

**SUBDIVISION**

**REGULATIONS**

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**City of Midlothian, Texas**  
**88-14**  
**SUBDIVISION REGULATIONS**

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**CITY OF MIDLOTHIAN  
SUBDIVISION REGULATIONS**

**Table of Contents**

<b>ARTICLE I</b>	<b><u>GENERAL PROVISIONS AND REQUIREMENTS</u></b>	<b>Page</b>
<b>Section</b>	1.11 Authority	1
	1.12 Jurisdiction	1
	1.13 Consistency with the Comprehensive Master Plan and Zoning Ordinance	1
	1.14 Requirements	
	1.15 Conflict with Other Ordinances	1
	1.16 Severability Clause	1
	1.17 Amendments	1
<b>ARTICLE II</b>	<b><u>DEFINITIONS</u></b>	
<b>Section</b>	2.11 General	1
	2.12 Definitions	1 - 7
<b>ARTICLE III</b>	<b><u>GENERAL PLATTING PROCEDURE REQUIREMENTS</u></b>	
<b>Section</b>	3.11 Compliance Required	1
	3.12 Preliminary Conference	1 - 2
	3.13 Site Plan Requirement	2
	3.14 Combination of Lots	2
	3.15 Vacation Instrument, Replatting, & Amended Plats	3 - 5
	3.16 Dedication	5
<b>ARTICLE IV</b>	<b><u>REQUIREMENTS FOR PLAT SUBMITTAL</u></b>	
<b>Section</b>	4.11 Plat Submittal	1
	4.12 Site Plans	1 - 3
	4.13 Preliminary Plats	1 - 4
	4.14 Final Plats	1 - 3
	4.15 Planning and Zoning Commission Acceptance of Final Plat by Sections	3
	4.16 Minor Plat	1 - 2
	4.17 Expiration of Plats	1
	4.18 Dormant Plats	1 - 2
	4.19 Conveyance Plats	1
<b>ARTICLE V</b>	<b><u>IMPROVEMENTS</u></b>	
<b>Section</b>	5.10 Inspection	1
	5.11 Lighting	1
	5.12 Street Signs and Traffic Control Devices	1 - 2
	5.13 Perimeter Streets	2
	5.14 As-Built Plans	2
	5.15 Maintenance Bond	2 - 3
	5.16 Design and Field Changes	3
	5.17 Engineer's Certificate and Surveyor's Certificate	3

<b>ARTICLE VI <u>SUBDIVISION DESIGN REQUIREMENTS</u></b>		
<b>Section</b>	6.11 Street Standards	1 - 4
	6.12 Alleys	1
	6.13 Easements	1
	6.14 Lots	1 - 2
	6.15 Survey	2
	6.16 Improvement Standards and Requirements	1 - 18
	6.17 Water System	1 - 3
	6.18 Sewer System	1 - 11
	6.19 Utility Services	1
<b>ARTICLE VII <u>ENFORCEMENT</u></b>		
<b>Section</b>	7.11 Appeal	1
	7.12 Penalty	1
	7.13 Variances	1 - 2
<b>APPENDIX A <u>APPLICATIONS WITH CHECKLISTS</u></b>		
	Amended Plat	
	Annexation Petition	
	Concept Plan	
	Disannexation Petition	
	Final Plat	
	Minor Plat	
	Miscellaneous Application	
	Planned Development	
	Preliminary Plat	
	Replat	
	Site Plan	
	Specific Use Permit	
	Vacate City of Midlothian Right-of-Way	
	Zone Change	
	Zoning Board of Adjustments	
<b>APPENDIX B <u>CERTIFICATES AND APPROVALS</u></b>		
	Surveyor's Certificate	1
	Planning & Zoning Commission Approval	2
	Owner's Certificate	3 - 4
	Lien-Holder Concurrence	5
	Maintenance Bond	6 - 7
<b>APPENDIX C <u>ILLUSTRATIONS</u></b>		
	Typical Lots	1
	Sight Triangle	2
	Residential Streets	3
	Lot Types	4

# **ARTICLE I**

## **GENERAL PROVISIONS AND REQUIREMENTS**

## **ARTICLE I**

### **GENERAL PROVISIONS AND REQUIREMENTS**

**SECTION 1.11      Authority**

This ordinance is adopted pursuant to the authority of the Constitution and laws of the State of Texas, including, the Texas Local Government Code, Texas Revised Civil Statutes Annotated (Vernon), as amended, and Sections 12.001 (what may be recorded) and 12.002 (filing of Subdivision Plat), Texas Property Code Annotated V.A.T.S., as amended.

**SECTION 1.12      Jurisdiction**

From and after the date of its adoption, this ordinance shall govern all subdivision of land within and outside of the corporate limits and the ETJ of the City as provided by law. The provisions of this ordinance shall have the same force and effect within said area of ETJ as within the corporate limits of the city, except as provided in Section 7.12 Penalty.

**SECTION 1.13      Consistency with the Comprehensive Master Plan and Zoning Ordinance**

It is the intent of the City of Midlothian that these Subdivision Regulations shall be consistent with the adopted Comprehensive Master Plan, Zoning Ordinance and any supplemental land use and community development policies that may be adopted by the City Council. No plat or subdivision of land within the City or outside the City boundaries as provided by law shall be approved unless it conforms to such Plans, Policies and Ordinances.

**SECTION 1.14      Requirements**

All specifications, design requirements, improvements and standards, listed herein shall be required for all development unless otherwise specifically designated herein.

**SECTION 1.15      Conflict with Other Ordinances**

This ordinance shall be cumulative of all other ordinances of the City of Midlothian, Texas and shall repeal any of the provisions of said ordinances.

**SECTION 1.16      Severability Clause**

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 1.17      Amendments**

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.

# **ARTICLE II**

## **DEFINITIONS**

**ARTICLE II**  
**DEFINITIONS**

**SECTION 2.11      General**

For the purposes of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. Any office referred to in these Regulations by title means the person employed or appointed by the City in that position, or his duly authorized representative.

**SECTION 2.12      Definitions**

Those words or phrases not expressly prescribed herein are to be defined in accordance with the Zoning Ordinance or other applicable Ordinances of the City, or in the absence of such Ordinances, then in accordance with customary usage in municipal planning and engineering practices.

**Acreage, Gross:** The total acreage of a subdivision, including areas dedicated to the public use such as streets and alley right of ways, floodplains, and any areas that are nonresidential in use

**Acreage, Net:** The total acreage of a subdivision less those areas dedicated to public use such as street and alley rights of way, floodplains, and any areas that are nonresidential in use. Easements, however, shall be included in net acreage calculations.

**Alleys:** A Minor public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. (Alleys will generally be discouraged in all future subdivisions in Midlothian).

**Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Building Setback Line:** A line defining an area on the building lot between the street right-of-way or property line and the building line within which no building shall be constructed, encroach or project except as specifically authorized in an adopted ordinance of the City of Midlothian, as shown in Appendix C.

- a) **Front Building Setback Line:** A line parallel to the street right-of-way line which the building faces.
- b) **Side Building Setback Line:** A line parallel to the side property line, or street right-of-way on a corner lot.
- c) **Rear Building Setback Line:** A line parallel to the rear lot line, alley, or rear street right-of-way line in the case of double frontage lots.

**Capacity:** The capacity of a sewer facility means the measurement of ability to accommodate sewage flow.

**Carrying capacity:** The carrying capacity of a sewer facility means the ability to accommodate sewage flow without overflow.

**City:** The word "City" shall be the City of Midlothian, Texas, together with all its governing and operating bodies.

**City Planner:** The duly authorized employee or representative of the City in charge of the planning function for the City and charged with implementation and enforcement of the subdivision, zoning and other growth-related ordinances.

**City Engineer:** The duly authorized person in charge of engineering and construction inspection for the City, or his designated representative.

**City Standards:** As referred to in these Regulations, shall mean the City's standards and specifications, together with all tables, drawings, and other attachments hereinafter approved by the Council, and those standards so approved shall become a part of these Regulations.

**Commission:** The Planning and Zoning Commission of the City of Midlothian, Texas.

**Comprehensive Master Plan:** The phrase "Comprehensive Master Plan" shall be the Comprehensive Plan of the City and adjoining areas adopted by the City Planning and Zoning Commission and City Council, including all its revisions. The Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

**Construction Plans:** The drawings and technical specifications including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision.

**Council:** The word "Council" or "City Council" shall be the duly elected governing body of the City of Midlothian.

**Cul-de-Sac:** A short, minor street having but one outlet to another street and terminating on the opposite end by an appropriate vehicular turnaround as shown in Appendix C.

**Dead-End Street:** A street, other than a cul-de-sac, with only one outlet, as shown in Appendix C.

**Dedication:** A gift or donation of property by the owner to the City of Midlothian.

**Density:** The number of dwelling units per gross acre of subdivision including public or private streets, floodplains and any areas that are nonresidential in use.

**Developer:** An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

**Development:** Any manmade change in improved or unimproved real estate, (but not for agricultural activities), including but not limited to the construction of one or more new buildings or structures on one or more lots or tracts, paving only within the Extraterritorial Jurisdiction (ETJ), or the use of open land for a new use (but not excavation, filling, compacting or grading). "To Develop" shall mean to create development. The term development does not include mining or quarrying activities on land within the City of Midlothian, which has been issued a specific use permit for such uses.

**Development Plan:** The first or introductory plan of a proposed subdivision, in such case where the developer intends to develop and record only an individual portion of said subdivision, and which exhibits the proposed successive order of development of the balance of the subdivision.

**Easement:** An interest in land granted to the City or other governmental entity, to the public generally, and/or to a private utility corporation.

**Engineer:** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering

**Extraterritorial Jurisdiction (E.T.J):** The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Midlothian, the outer limits of which are measured from the extremities of the corporate limits of the City outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City.

**Flood Plain:** Any and all land area adjoining the channel of a river, stream, lake, water course, marshy area, or other drainage element, which has been or may be inundated by storm water runoff. The extent of the flood plain shall be determined by the crest of a flood having an average frequency of occurrence of once in one hundred (100) years, as established by F.E.M.A.

**Floodway:** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood, as defined by the Corps of Engineers or F.E.M.A., without cumulatively increasing the water surface elevation more than one foot.

**Lot:** An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number, or symbol in a duly approved subdivision Plat which has been properly filed or recorded, as shown in Appendix C.

- a) **Lot Depth:** The length of a line connecting the midpoints of the front and rear lot lines.
- b) **Lot, Double Frontage or Through:** Any lot, not a corner lot, with frontage on two streets which are parallel to each other or within forty-five degrees of being parallel to each other.

- c) Lot, Frontage: The length of street frontage between property lines.
- d) Lot, Irregular: Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than ninety (90) degrees.
- e) Lot Width: The average distance between the side lot lines.

**Non-reserved status**: Non-reserved status means that a lot for which final plat approval has been granted cannot be served by one or more sewer facilities due to overcapacity of such facilities.

**Open Space**: Private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

**Overcapacity**: Overcapacity of a sewer facility means the facility is operating or will operate beyond its carrying capacity based upon existing connections and approved or proposed lots for which preliminary plat approval has been granted

**Park**: Land dedicated to, or purchased by, the City for the purpose of providing public recreational and/or open areas

**Pavement Width**: The portion of street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

**Person**: Any individual, association, firm, corporation, governmental agency, or political subdivision

**Planned Development**: A subdivision that consists of commercial and/or residential land uses, public land uses, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, which is to be developed as a single entity, under unified control.

**Plat**: A map, drawing, chart, or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, easements, and/or any other elements as required by these Regulations, and which a subdivider shall submit for approval in accordance with these Regulations.

**Plat, Amended**: A minor change of an existing subdivision to a lot line or setback contained within. No new lots are created, existing lots are not combined and the size of any one lot is not substantially increased or decreased.

**Plat, Final**: A Plat that has been submitted and approved in preliminary form, has been corrected by the applicant, has conformed to all of the provisions of these Regulations, and has been submitted for final approval of the Planning and Zoning Commission.

**Plat, Preliminary:** A Plat that is submitted to the City for its review of the concept and performance of the subdivision as related to the provisions of these Regulations. The preliminary plan and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled, prior to submission of the Final Plat.

**Potential overcapacity:** Potential overcapacity of a sewer facility means the facility is operating or will operate beyond its carrying capacity based upon existing connections and approved or proposed lots for which preliminary plat has been granted.

**Preliminary Approval:** Approval expressed by the City as to the arrangement and approximate size of streets, parks, reserves, easements, blocks, and lots indicated on a Preliminary Plat.

**Public Right-of-Way:** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk, sidewalk, drainage way or other public way.

**Replat:** A Plat vacating an existing subdivision in lieu of a new pattern of development; the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks.

**Reserved Capacity:** Reserved capacity means the estimate of capacity in a sewer facility that equals the capacity attributable to existing connections to the facility together with the capacity associated with lots in approved final plats having reserved status

**Reserved Status:** Reserved status means that a lot for which final plat approval has been granted can be served by sewer facility with adequate carrying capacity

**Reserve Strip:** A privately owned strip of land, normally one foot in depth, adjacent to a public right-of-way or easement preventing the extension of said right-of-way or easement without the expressed consent of the owner.

**Sewer Facility:** Sewer facility means a sanitary sewer collection line, a segment thereof or any appurtenance thereto.

**Shall/May:** The word "shall" is always mandatory, while the word "may" is merely permissive.

**Sidewalk:** A paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and built in accordance with City specifications.

**Site Plan:** A map, drawing or chart showing the location of all existing and planned structures, landscaping, design ingress and egress, parking, height of structures and/or any other elements as required by these Regulations, and which a subdivider shall submit for approval in accordance with these Regulations.

**Steep Slope:** Areas that contain slopes over fifteen (15) percent grade and are characterized by increased runoff, and erosion.

**Street:** A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive, or however otherwise designated.

- a) **Street, Major Arterial:** A street whose primary function is to provide traffic movement between major traffic generators such as principal neighborhoods, commercial centers, and industrial areas, and to connect with surrounding municipalities.
- b) **Street, Minor Arterial:** A street whose primary function is to serve secondary traffic generation, such as community shopping areas, office complexes, high schools, and larger parks and recreation areas. They also serve to collect and distribute traffic from streets of lower classification to major arterials.
- c) **Street, Major Collector:** The function of a collector street is to collect and distribute traffic from local access streets and to convey it to the arterial system. Major collectors provide limited access to abutting property and parking is generally limited or restricted.
- d) **Street, Minor Collector:** Minor collectors in residential areas collect traffic from local streets within a residential district and are not intended to continue through several districts. In commercial/industrial areas minor collectors generally serve one district providing access for abutting property and providing the most direct access to other collectors and arterials.
- e) **Street, Local:** A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area.
- f) **Street, Private or Service Drive:** A vehicular access way under private ownership and maintenance that has not been dedicated to the City and accepted by the City.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner.

**Subdivider:** Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term subdivider shall be restricted to include only the owner, equity owner, or authorized agent of such owner or equity owner, of land to be subdivided.

**Subdivision:** The term subdivision shall mean a division of a lot, tract, or parcel of land into two (2) or more parts, lots or sites or combination of the same for the purpose, whether immediate or future, of sale, division of ownership or development. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, map, plat or other recorded instrument, but shall exclude any division

resulting from inheritance (by intestacy, will, or trust distribution), dissolution of marriage, condemnation or agreement in lieu thereof, or the granting of any rights other than ownership of land (such as licenses, easements, and rights-of-way). Subdivision includes resubdivision of land or lots, which are part of a previously recorded subdivision. All transfers of ownership, division, or development of land shall be governed by this ordinance. This definition shall exclude divisions of land that result in parcels that each contain an area greater than 5.00 acres, provided that each resulting parcel has access and no public improvement is being dedicated.

**Surveyor:** A Registered Public Surveyor as authorized by the State Statutes to practice the profession of surveying.

**Thoroughfare Plan:** Street plan which is part of the Comprehensive Master Plan of the City of Midlothian.

**Vacation:** To cancel, rescind, or render an act that has the effect of voiding a subdivision Plat as recorded in the County Clerk's office.

**Wastewater Service:** The collection of waste bearing water that requires treatment prior to its return to nature and the system of pipes and equipment used to collect and transmit this water to treatment facilities; also called Sanitary Sewer Service.

- a. **Sewerage System, Public:** A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the City of Midlothian, its successors and assigns, or other governmental entity authorized and empowered to own and operate such a system.
- b. **Sewerage Disposal System, Individual Private:** Any system designed to provide on-site treatment and disposal of sewage flows from individual residences, duplexes, businesses, or any other buildings. The system may be anaerobic, e.g. a septic transpiration bed, or other. The system must not require a permit from the Texas Department of Water Resources.

**Water System, Public:** A system designed for the distribution and treatment of potable water that is wholly owned and operated by the City of Midlothian, its successors and assigns, or other governmental entity authorized and empowered to own and operate such a system.

**Yard:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture are not deemed to be obstructions if height limitations and requirements limiting obstruction of visibility are observed.

# **ARTICLE III**

**GENERAL**

**PLATTING**

**PROCEDURE**

**REQUIREMENTS**

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## ARTICLE III

### GENERAL PLATTING PROCEDURE REQUIREMENTS

#### **SECTION 3.11      Compliance Required**

Unless the land proposed to be subdivided meets the requirements and conditions set forth in Section 4.16 for the short form procedure, then any person seeking to subdivide land shall comply with the provisions of this article.

#### **SECTION 3.12      Application Processing**

1.     Definition. For purposes of this section the term “plat application” means an application for any the following: preliminary plat, final plat, minor plat, conceptual site plan or building site plan.
2.     Complete Application Determination. Every plat application shall be subject to a determination of completeness by the planning director. No plat application shall be accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of these Subdivision Regulations. The director from time to time may identify additional requirements for a complete plat application that are not contained within but are consistent with the application contents and standards set forth in the Subdivision Regulations. The director also may promulgate a fee for review of the application for completeness.
3.     Development Review Committee. For the purposes of assisting the planning director in the review of plats, conceptual site plans and building site plans, there is hereby established a Development Review Committee, chaired by the planning director and composed of those City employees, county employees and utility company representatives selected by the city manager to serve because of their specialized or technical knowledge of urban development issues.
4.     Incompleteness as Grounds for Denial. The processing of a plat application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the plat application shall be grounds for denial or revocation of the application. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these Subdivision Regulations.
5.     Pre-application Conference. A property owner may request a pre-application conference with the director for purposes of identifying requirements that apply to a proposed plat application. The request shall be made in writing on a form prepared by the director and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan of development or plat application.
6.     Time for Making Determination. Following submission of a plan of development or plat application, the planning director shall make a determination in writing whether the plan or plat application is complete not later than the tenth business day after the date the application is submitted. The determination shall specify the documents or other information needed to complete the plat application and shall state the date the application will expire if the documents or other information is not provided.

7. When Deemed Complete. An application for approval of a preliminary plat or conceptual site plan that is filed on or after April 28, 2005, or any subsequent plat application filed after approval of such preliminary plat or conceptual site plan, shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete.
8. Time for Completing Application. If a plat application is not completed on or before the 45th calendar day after the application is submitted to the planning director for processing the application in accordance with his or her written notification, the plat application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents. Thereafter, a new plat application must be submitted. The City may retain any fee paid for reviewing the application for completeness.
9. Sequence of Applications. Notwithstanding any other provision of this Subdivision Ordinance to the contrary, a plat application shall not be considered complete unless accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use, lots sizes and lot dimensions for which the application is submitted is authorized by the zoning district in which the property is located.
10. Vested Rights. No vested rights accrue solely from the filing of a plat application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.
11. Official Filing Date. The time period established by state law or these subdivision regulations for processing or deciding a plat application shall commence on the date that a complete application has been accepted for filing, which date shall be deemed the official filing date.

### **SECTION 3.13 Site Plan Requirement**

A Conceptual Site Plan meeting the requirements of Section 4.12(1) shall be submitted to the Planning Department along with the preliminary plat for all properties intended to be developed with a non-single family use. Review and approval of the Conceptual Site Plan shall be the responsibility of the Development Review Committee. The sole purpose of the Conceptual Site Plan is to assist the City in determining whether the infrastructure proposed for the site is adequate to serve the intended use. Because such a plan is conceptual only it shall not be used as the basis for issuance of any building permit.

A more detailed Building Site Plan, generally conforming to the Conceptual Site Plan and meeting the requirements of Section 4.12(2), shall be submitted prior to an application for any building permit, and no building permit shall be issued until such Building Site Plan has been approved by the Planning Director.

### **SECTION 3.14 Combination of Lots**

Any person desirous of combining two or more contiguous and previously platted lots into one single lot for the purpose of removing interior lot lines to create more buildable lot area shall submit a "Replat" thereof; obtain approval from the City Planning and Zoning Commission; and have same filed on record in the Plat Records of the county where the real property is located.

**SECTION 3.15 Vacation Instrument, Replatting, Amended Plats and Minor Plats.**

1. Vacation of a Plat
  - a) Prior to the sale of any lot. In cases where lots have not been sold, any Plan, Plat or Replat may be vacated by the proprietors of the land covered thereby, at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, duly executed, acknowledged and recorded in the same office as the Plat to be vacated, provided the approval of the City Planning and Zoning Commission shall have been obtained, and the execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the Plan, Plat or Replat so vacated.
  - b) After the sale of any lot. In cases where lots have been sold, the Plan, Plat or Replat, or any part thereof, may be vacated upon the application of all the owners of lots in said plat and with the approval of the City Planning and Zoning Commission.
  
2. Replat: A replat of a plat or a resubdivision of a plat, but without vacation of the immediate previous plat, shall be authorized to be recorded and shall be deemed valid and controlling when approved by the City Planning and Zoning Commission under the following conditions:
  - a) It has been signed and acknowledged by all of the owners of the particular property which is being replatted;
  - b) It has been approved by the City Planning and Zoning Commission after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard;
  - c) It does not attempt to alter, amend or remove any covenants or restrictions; and
  - d) There is compliance, when applicable, with subsections 3 and 4 of this section.
  
3. Additional Requirements: The following additional requirements for approval shall apply, in any resubdivision or replatting of a subdivision, without vacating the immediate previous plat if any of the proposed area to be resubdivided or replatted was within the immediate preceding five (5) years limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot:
  - a) Notice of such City Planning and Zoning Commission hearing shall be given in advance in the following manner:
    1. Publication at least fifteen (15) days in advance of hearing being published in the City's official newspaper; and
    2. Written notice, with a copy of subdivision (b) of this subsection attached thereto, of such public hearing forwarded by the City Planning and Zoning Commission to owners (as the ownership's appear on the last approved ad valorem tax roll of the City) of all lots in the immediate preceding subdivision plat not less than fifteen (15) days prior to the date of such hearing; such notice may be served by depositing the same, properly

addressed and postage paid, in a post office or postal depository within the boundaries of the City; provided, however, if such immediate preceding subdivision plat shall contain more than 100 lots, such notice shall be mailed only to those owners of lots which are located within 500 feet of the lot or lots which are sought to be replatted or subdivided.

- b) The City Planning and Zoning Commission shall require in any resubdivision or replatting to which this subsection applies written approval of 66-2/3% of:
  - 1. The owners of all lots in such plat; or
  - 2. The owners of all lots in such plat within 500 feet of the property sought to be replatted or resubdivided if such immediate preceding plat contains more than 100 lots.

The provisions of subdivision (b) of this subsection shall, however, apply only if 20%, or more, of the owners, to whom notice is required to be given, of the lots in such plat, a portion of which is sought to be replatted or resubdivided file with the City Planning and Zoning Commission written protest of such replatting or resubdivision prior to or at the hearing referred to in the notice of the proposed replatting or resubdivision. In computing the per- contiguous of ownership, each lot in such subdivision shall be considered equal to all other lots regardless of size or number of owners, and the owners of each lot shall be entitled to cast only one vote per lot.

- c) Provided, however, compliance with subdivision (a) or (b), of this subsection shall not be required for approval of a replatting or resubdividing of a portion of a prior plat if all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage other than for single or duplex family residential usage by notation on the last legally recorded plat or in the legally recorded restrictions applicable to such plat.

- 4. Amended Plat. The Planning Director is authorized to issue an Amended Plat which is signed by the applicants only and which is for one or more of the purposes set forth below:

- a) to correct an error in any course or distance shown on the prior Plat;
- b) to add any course or distance that was omitted on the prior Plat;
- c) to correct an error in the description of the real property shown on the prior Plat;
- d) to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
- e) to show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior Plat;
- f) to correct any other type of scrivener or clerical error or omission as previously approved by the Planning and Zoning Commission; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded Plats;

- g) to correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a materially adverse effect on the property rights of the other owners in the Plat;
- h) to replace a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or
- i) to relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
  - 1. attempt to remove recorded covenants or restrictions; or
  - 2. increase the number of lots.

The following provisions shall be added:

- 5. Minor Plats. The Planning Director is authorized to issue a Minor Plat, which must be signed by the property owner and is subject to the conditions set forth below. Approval and issuance of such a Minor Plat shall not require notice, hearing, or approval of other lot owners, only, if the Minor Plat meets the following conditions:
  - a. the proposed Minor Plat involves four (4) or fewer lots fronting on an existing street,
  - b. the proposed Minor Plat does not require the creation of any new street, and
  - c. the proposed Minor Plat does not require the extension of municipal facilities.

**SECTION 3.16 Dedication**

- 1. Division of Property:  
Every owner of property to be divided, for which a Plat has been submitted for approval, shall be required to dedicate to the City that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities or other public purposes, and such dedication requirements, as imposed, shall be a prerequisite to Plat approval.
- 2. Amended Plats:
  - a) No dedication for streets, utilities or other public purposes may be required as a prerequisite to approval of a Plat combining two or more existing platted lots for the purpose of removing interior lot lines or for the purpose of correction of error as permitted in Section 3.15.4.
  - b) No dedication of right-of-way or easements except for the provision of utilities may be required as a prerequisite to approval of a Plat revision submitted for the purpose of moving an interior lot line to create an enhanced building site.

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**ARTICLE IV**

**REQUIREMENTS**

**FOR**

**PLAT**

**SUBMITTAL**

## ARTICLE IV

### REQUIREMENTS FOR PLAT SUBMITTAL

#### SECTION 4.11 Plat Submittal

1. Submittal Requirements. All plats to be considered for approval under these Regulations shall be submitted to the Planning Director or his designee along with a completed application and fees in accordance with section 3.12.
  
2. Scale and Sheet Size  
All Plats shall be drawn to a scale of one inch (1") = one hundred feet (100'), unless permission is obtained from the City Planning Director for a larger or smaller scale prior to submittal. All sheet sizes shall be 24" x 18" and shall be drawn in ink on a reproducible film material.

**SECTION 4.12      Site Plans**

1.      **Conceptual Site Plans:**

A Conceptual Site Plan shall be submitted concurrently with the Preliminary Plat of a property intended to be developed with a non-single family use.

The Conceptual Site Plan shall contain the following information unless certain elements are specifically determined by the Development Review Committee to be not applicable.

- a)      The approximate location of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 200 feet.
- b)      The approximate location of landscaped and other open space areas with a chart showing the quantities provided and the quantities required by the zoning ordinance.
- c)      Driveway locations showing approximate distance to the nearest street intersections and other drives adjacent to the site or opposite the site on perimeter streets.
- d)      Off-street parking and loading facilities, with a chart showing the quantities provided and the quantities required by the zoning ordinance.
- e)      Preliminary drainage area calculations and grading plan showing points of run-off.
- f)      Proposed uses.
- g)      Street names on proposed streets.
- h)      Schematic layout of on-site water and sanitary sewer connections to City main lines.
- i)      Utility and drainage easements for dedicated infrastructures if required.
- j)      Such additional data requested by the Development Review Committee in order to perform a reasonably thorough review within the best standards of practice of Urban Planning and Civil Engineering.

2.      **Building Site Plans:**

A Building Site Plan generally conforming to the approved Conceptual Site Plan shall be submitted prior to an application for any non-single family building permit.

The Building Site Plan shall contain the following information unless certain elements are specifically determined by the Development Review committee to be not applicable.

- a)      The location, dimensions and calculated floor area of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 200 feet.
- b)      A detailed landscape and irrigation plan with a chart showing quantities of open space and plant materials provided and quantities required by the Zoning Ordinance.
- c)      The location and width of all driveways with distance measurements to the nearest street intersections and other drives adjacent to the site or opposite the site on perimeter streets.

- d) Off-street parking and loading facilities, with a chart showing the quantities provided and the quantities required by the zoning ordinance.
  - e) Engineering design of storm water facilities, showing drainage area calculations and final grading plan.
  - f) Proposed uses.
  - g) Street names on proposed streets.
  - h) Engineering design of proposed on-site water and sanitary sewer connections to City main lines and design of any off-site utilities required.
  - i) Utility and drainage easements for dedicated infrastructures if required.
  - j) Such additional data requested by the Development Review Committee in order to perform a reasonably thorough review within the best standards of practice of Urban Planning and Civil Engineering.
  - k) Location and dimension of all signs, fences and lighting standards.
  - l) Dimensioned elevation drawings stating proposed exterior finish materials.
  - m) Such additional data requested by the Development Review Committee in order to perform a reasonably thorough review within the best standards of practice of Urban Planning and Civil Engineering.
3. Site Plan Application Materials:  
The Planning Director is authorized to amend Appendix A from time to time to provide Site Plan Applicants with the check lists, instructions and other information needed for better understanding of the application process.
4. Building Site Plan Review Fee:  
A Building Site Plan review fee shall be paid the City upon submission of a Site Plan in accordance with the adopted fee schedule ordinance, as shown in Appendix D.
5. Effective Period of Site Plans:
- a) A Conceptual Site Plan expires if the preliminary plat with which it is associated expires. Following such expiration, no application for a Building Site Plan shall be considered complete or shall be approved until a new Conceptual Site Plan has been approved.
  - b) The approval of a Building Site Plan shall be effective for a period of twelve (12) months. In the event that has not been initiated by the developer within twelve (12) months from the date of approval of the Building Site Plan, the Site Plan shall require re-approval. The entire approval process including payment of fees shall be required.
  - c) The applicant may receive one (1) extension of the Building Site Plan. The Planning Director shall consider such an extension upon written request by the property owner, at least thirty (30) days prior to the end of the one (1) year period.

## **SECTION 4.13      Preliminary Plats**

1. A Preliminary Plat shall be required for all parcels of land on which the filing of a plat is required by State law or City Regulations and Ordinances.  
If property to be subdivided is part of a tract that is less than 640 acres, a preliminary plat must include the entire tract.
2. The Preliminary Plat must meet all the criteria of Preliminary Plat submission as required in Regulations and Ordinances of the City and procedures as listed in these Regulations.
3. The Preliminary Plat shall be prepared by a licensed Professional Engineer, Registered Public Surveyor or Certified Planner trained and experienced in subdivision design.
4. The Preliminary Plat shall contain the following information:
  - a) Names and addresses of the subdivider, record owner, land planner, engineer and/or surveyor.
  - b) Proposed name of the subdivision (which shall not be so similar to that of an existing subdivision as to cause confusion).
  - c) Names and lot patterns of contiguous platted subdivisions within 200' of the proposed subdivision.
  - d) Vicinity map showing location of tract by reference to existing streets or highways.
  - e) Subdivision boundary lines, indicated by heavy lines, and the approximate area expressed in acres.
  - f) Location of City limit lines, if they either traverse the subdivision, form part of the subdivision, or are contiguous to the subdivision boundary.
  - g) Dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing records, for a distance of two hundred (200) feet from the proposed subdivision. If there are no adjacent existing or dedicated streets and alleys within two hundred (200) feet of the side, then a map on a smaller scale must accompany the Preliminary Plat showing the outline and ownership of adjacent properties, locations of the nearest subdivisions and existing or dedicated streets and alleys.
  - h) The locations, dimensions, names and descriptions of all existing or recorded lots and blocks, parks, public areas and permanent structures within or contiguous to the subdivision.
  - i) The locations, sizes, and descriptions of existing and proposed utilities, (above and/or below grade), within the subdivision or adjacent thereto.
  - j) The approximate location, dimensions, descriptions and names of all proposed streets, drainage structures, parks, open spaces, natural features to be preserved, improvements to be installed for beautification, other public areas; reservations, easements or other rights-of-way; blocks, lots and other sites within the subdivision specifically indicating the connection of improvements in adjacent subdivisions.

- k) Identification and location of proposed uses within the subdivision to include tracts intended for residential, commercial, churches, parks, governmental or other uses and also indicating existing and proposed zoning classifications for each use.
- l) Topographical information based on 2-foot vertical contour intervals except where excessive steep grade prohibits graphical representation, in which case 5-foot vertical intervals may be used.
- m) Centerline of water courses, creeks and ravines, existing drainage structures and other pertinent data shall be shown.
- n) Areas subject to flooding shall be shown, delineating the 100-year flood limits if applicable.
- o) A drainage study shall be required to provide the information as recorded in Article VI.
- p) A number or letter to identify each lot and each block; an indication of the typical lot size; the approximate area of the smallest lot; and the total number of lots proposed.
- q) Building setback lines on all lots and sites adjacent to streets.
- r) Title, date of preparation, scale and north arrow.
- s) Current description of the property to be subdivided that includes survey name and tract numbers from City or County records.
- t) If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative Master Plat of the entire subdivision shall be submitted with the Preliminary Plat of the portion first to be subdivided. The Master Plat shall conform in all respects to the requirements of the Preliminary Plat; except, it may be on a scale of not more than one inch (1") to four hundred feet (400').
- u) A detailed explanation of how the subdivision will be served by sanitary sewer and water facilities, including identification of the sanitary sewer and water mains to which the subdivision will be connected and the treatment facilities that will be utilized by the subdivision, the sanitary sewer and water demands generated by the subdivision, and the amount of capacity existing and planned for such main treatment facilities.

5. Deadlines and Submitted Material

- a) The applicant shall submit the number of copies of the plat as required on the application form and one (1) digital copy of the Preliminary Plat to the Planning Director or his by the formal application deadline listed on the current calendar to be heard at the next Planning and Zoning Commission.
- b) The applicant shall submit an 8-1/2" x 11" and an 11" x 17" reduction of all maps included in the submittal material. The applicant shall submit an 8-1/2" x 11" and an 11" x 17" reduction of all maps included in the submittal material.
- c) The applicant shall submit the completed application shown in Appendix A, and pay all fees recurred for preliminary platting as specified in Section 4.13.8 of this document.
- d) A receipt shall be noted on the Preliminary Plat or shall accompany the Preliminary Plat indicating that all taxes have been paid.

- e) At the time of submittal, the Planning Director or his designee will check all materials against the Preliminary Plat checklist for completeness before accepting any fees. Failure to submit all materials required for Preliminary Plat approval will constitute an incomplete submittal and the application and fees shall not be accepted by the City for processing.

6. Duties of the City

- a) Review the Preliminary Plat for completeness, noticing application of generally accepted engineering and planning design principles and standards.
- b) Distribute the Preliminary Plat to the development review committee for review.
- c) Summarize the recommendations of the reviewing authorities and prepare a report to be presented to the Planning and Zoning Commission.

7. Action by the Planning and Zoning Commission

The decision of the Planning and Zoning Commission shall be approval, conditional approval, or disapproval of the Preliminary Plat. A majority vote of the Commission shall be required.

- a) Approval shall not constitute acceptance of the subdivision, but is only authorization to proceed with the preparations of engineering plans and Final Plat.
- b) The Planning and Zoning Commission may attach such conditions to approval of the preliminary plat as are necessary to assure compliance with these subdivision regulations, including conditions related to assuring the adequacy of the sanitary sewer collection and treatment facilities serving the subdivision. Conditional approval shall subject the subdivision to compliance with prescribed conditions and shall constitute disapproval until such conditions are met. The conditions attached to preliminary plat shall be met upon the filing of the Final Plat.
- c) Disapproval signifies rejection completely of the Preliminary Plat as submitted. The applicant may then choose to reinstate the subdivision approval procedure, including all fees required in the process.

8. Preliminary Plat Review Fee

A Preliminary Plat review fee shall be paid the City upon submission of the Preliminary Plat in accordance with the adopted fee schedule ordinance, as shown in Appendix D.

9. Effective Period

- a) Preliminary Plat Expiration. An approved preliminary plat application shall expire and shall thereafter be deemed null and void, together with any Conceptual Site Plan approved with the preliminary plat, if a final plat application for all the land subject to the preliminary plat has not been approved within twelve (12) months from the date of the Commission's approval of the preliminary plat. Subsequent expiration of the final plat shall also result in expiration of the preliminary plat for the same land.

Upon expiration, or upon denial of a timely submitted request for extension of plat approval, a new plat application shall be submitted, subject to requirements in effect at the time the application is filed with the City.

- b) Expiration of Phased Preliminary Plats. The subdivider shall submit and receive approval for a final plat for the first and all subsequent phases of the phased preliminary plat within the time limits prescribed in this section or in an approved phasing schedule. The phased preliminary plat shall expire within twelve (12) months of the date the Planning and Zoning Commission approves the phased preliminary plat application, unless a final plat has been submitted and approved within such period. Within twelve (12) months of approval of the final plat for the first phase of the development, or within such other period as may be provided in an approved phasing schedule, a complete application for a final plat must be approved for the next phase of the development, continuing with each successive phase, until final plats have been approved for all the land subject to the original phased preliminary plat. Failure to meet a platting deadline as prescribed in this section or as included in the phasing schedule, shall result in the expiration of the phased preliminary plat for that and all subsequent phases of the development. If an approved final plat subsequently expires, the phased preliminary plat for that phase shall expire, and for all other phases for which a final plat has not been approved, is not pending for approval or no longer remains in effect. For purposes of this subsection, the term “phased preliminary plat” includes any preliminary plat for which the subdivider proposes to obtain final plat approval for only a portion of the approved preliminary plat.
- c) Extension of Preliminary Plat. The expiration date for a preliminary plat or any phase of a phased preliminary plat may be extended by the Planning and Zoning Commission for a period of not more than one (1) year, provided that a request for extension is made in writing by the subdivider at least thirty (30) days before the approved plat expires. Extension of the expiration date for a phase of a phased master plat extends the expiration date for the phased preliminary plat for a like period. Every request for extension shall include a statement of the reasons why the expiration date should be extended. The Commission shall take into account the reasons for the requested extension, the ability of the applicant to comply with any conditions attached to the original approval, whether extension is likely to result in timely completion of the project, and the extent to which newly adopted regulations should be applied to the original application. The Commission may attach conditions to approval of an extension request such as are needed to assure that the land will be developed in a timely fashion and that the public interest is served, including a requirement that one or more current development standards be applied to subsequent plat applications within the area subject to the plat.

10. Effect of Approval.

- a) Approval of a preliminary plat shall authorize the owner to file an application for approval of engineering plans that conform to the preliminary plat and any conditions attached thereto, upon approval of construction/engineering plans, owner may file for approval of final plat.
- b) The approval of a preliminary plat does not constitute authorization or approval for connection to the City of Midlothian's water or sanitary sewer systems.

#### **SECTION 4.14      Final Plats**

1. No subdivision of land located within the City's corporate limits or extraterritorial jurisdiction shall occur prior to (a) the approval of a Final Plat in accordance with these Subdivision Regulations and applicable state law and (b) recording of the approved Final Plat in the Official Public Records or Plat Records of Ellis County, Texas. The Final Plat shall comply in all respects with the approved Preliminary Plat for the land described in the Final Plat. A Final Plat may be approved for all or a portion of land described in an approved Preliminary Plat.
2. After obtaining approval of a Preliminary Plat or Site Plan and compliance with all necessary fiscal agreements including fees, assessments, and delinquent taxes, the applicant may, if wishing to proceed with the subdivision, submit a Final Plat. The Final Plat shall be submitted with a completed application and shall be in accordance with all regulation requirements. The Final Plat application shall be accompanied by a list of changes between the Preliminary Plat and Final Plat (a written list of any and all changes made to the Final Plat that is different from the Preliminary Plat).
3. The Final Plat shall be prepared by a licensed Professional Engineer and/or Registered Public Surveyor, trained in subdivision design.
4. The Final Plat shall contain the following information also shown in Appendix A.
  - a) Title or name of development and graphic scale, north point, date of Plat and key map.
  - b) Location of the development by City, County and State.
  - c) Accurate boundary survey and property description with tract boundary lines indicated by heavy lines.
  - d) Accurate Plat dimensions with all surveying information necessary to reproduce the Plat on the ground.
  - e) Approved name and right-of-way width of each street, both within and adjacent to the development.
  - f) Locations, dimensions and purposes of any easements or other rights-of-way and all building lines.
  - g) Identification of each lot or site and block by number or letter.
  - h) Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions within 200 feet of the proposed subdivision.
  - i) Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use.
  - j) Certificate of dedication of all streets, parks and other public uses signed by the owner or owners.
  - k) Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility.
  - l) Space for signatures attesting approval of the Plat by the Planning Director and Planning Assistant, as shown in Appendix B.
  - m) Seal and signature of the surveyor responsible for surveying the development and/or the preparation of the Plat, as shown in Appendix B.
  - n) All deed restrictions that are to be filed with the Plat shall be shown on or filed separately with the Plat.

- o) Compliance with all special requirements developed in Preliminary
  - p) Statement regarding the adequacy of the sanitary sewer treatment or collection facilities serving the subdivision.
5. Prior to the filing of the Final Plats, the subdivider shall submit to the City the engineering plans prepared, signed and sealed by a registered professional engineer. These plans shall make adequate provisions for all surface and storm drainage within and across the subdivision; shall provide for the construction of a water distribution system, including fire hydrants, adequate to serve the subdivision with water with adequate pressure for fire protection, domestic consumption and/or light commercial use together with such mains as may be required to connect with the existing system; shall provide for a sanitary sewer system adequate to serve each lot or building site within the subdivision and shall provide for the construction of such other improvements as may be required. The subdivider shall pay the full cost of all public improvements. Detailed construction plans which shall conform to the provisions of this ordinance and all other ordinances of the City relating to construction standards shall be approved by the City Engineer prior to the acceptance of a Final Plat application. A Final Plat application may be accepted prior to construction plan approval only if it is accompanied by a 30-day waiver, in which case the Final Plat will be placed on the next available Planning & Zoning Commission meeting after the final construction plan approval.
  6. If the final plat meets all requirements of the Subdivision Regulations without any waivers or exemptions, the Planning Director may approve the final plat with formal ratification from the Planning & Zoning Commission approval at the next available meeting.
  7. A receipt shall be noted on the Final Plat or shall accompany the Final Plat indicating that all taxes have been paid.
  8. The Final Plat shall be filed on record by the City in the plat records of the county where the real property is located, but only after the Planning Director has officially acted upon the Final Plat with reference to improvements, dedications and utilities. Filing fees for recording the Final Plat shall be paid by the subdivider.
  9. Approval of the Final Plat shall expire unless the Plat is recorded in the office of the County Clerk where the real property is located within a period of ninety (90) days after the date of final approval by the Planning Director.
  10. Deadlines and Submitted Materials
    - a) The applicant shall submit the number of copies of the plat as required on the application form and one (1) digital copy of the Final Plat to the Planning Director or his designee by the formal application deadline listed on the current calendar to be heard at the next Planning and Zoning Commission meeting
    - b) The applicant shall submit an 8-1/2" x 11" and an 11" x 17" reduction of the Final Plat.
    - c) The applicant shall also submit the completed application, as shown in Appendix A, and pay all fees required for Final Platting in accordance with Section 4.14.13 of this document.

- d) At the time of submittal, the Planning Director or his designee will check all materials against the Final Plat checklist for completeness before accepting any fees. Failure to submit all materials required for Final plat approval will constitute an incomplete submittal and shall cause the application to not be accepted for processing.
11. Duties of the City
- a) Review the Final Plat for completeness, noting application of design principles and standards and compliance with approved Preliminary Plat or Site Plan and City Ordinances and Regulations.
  - b) Distribute a copy of the Final Plat to the City development review committee for review.
  - c) Summarize the recommendations of the reviewing authorities and prepare a report to be presented to the Planning and Zoning Commission for formal ratification.
12. Action by the Planning Director
- The decision of the Planning Director shall be approval or disapproval of the Final Plat.
- a) Approval shall constitute acceptance of the Final Plat, and the subdivider shall proceed with the filing of the Final Plat.
  - b) Disapproval constitutes complete rejection of the Final Plat. The applicant may then choose to reinstate the subdivision approval procedure, including all fees required in the process.
  - c) The approval of a final plat does not constitute authorization or approval for connection to the City of Midlothian's water or sanitary sewer systems.
13. Final Plat Review Fee
- A Final Plat review fee shall be paid to the City upon submission of the Final Plat in accordance with the adopted fee schedule ordinance,

**SECTION 4.15      Planning and Zoning Commission Acceptance of Final Plat by Sections**

An owner or subdivider, at his option, may obtain approval of a portion or section of a subdivision provided he meets all the requirements of all Subdivision Ordinances with reference to such portion or section in the same manner as is required for a complete subdivision. Expiration of a preliminary plat for which final plats are approved in sections shall be as provided in section 4.13(9). In the event a subdivision and the Final Plat thereof is approved by the Planning and Zoning Commission in sections, each Final Plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

## **SECTION 4.16      Minor Plats**

1. The Minor Plat shall be prepared by a licensed Professional Engineer and/or Registered Public Surveyor, trained in subdivision design.
2. The Minor Plat shall contain the following information.
  - a.) Title or name of development and graphic scale, north point, date of Plat, and key map.
  - b.) Location of the development by City, County, and State.
  - c.) Accurate boundary survey and property description with tract boundary lines indicated by heavy lines.
  - d.) Accurate Plat dimensions with all surveying information necessary to reproduce that Plat on the ground.
  - e.) Approved name and right-of-way width of each street, both within and adjacent to the development.
  - f.) Location, dimensions and purposes of any easements or other right-of-way and all building lines.
  - g.) Identification of each lot or site and block by number or letter.
  - h.) Record owners of contiguous parcels of unsubdivided land, names, and lot patterns of contiguous subdivisions within 200 feet of the proposed subdivision.
  - i.) Boundary lines, dimensions, and descriptions of open spaces to be dedicated for public use.
  - j.) Certificate of dedication of all streets, parks, and other public uses signed by the owner or owners.
  - k.) Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility.
  - l.) Space for signatures attesting approval of the Plat by the Planning Director and City Secretary.
  - m.) Seal and signature of the surveyor responsible for surveying the development and/or the preparation of the Plat, as shown in Appendix B.
  - n.) All deed restrictions that are to be filed with the Plat shall be shown on or filed separately with the Plat.
  - o.) Compliance with all special requirements developed in the Pre-submittal review.
3. A receipt shall be noted on the Minor Plat or shall accompany the Minor Plat indicating that all taxes have been paid.
4. The Minor Plat shall be filed on record by the City in the Plat records of the county where the real property is located, but only after the Planning Director has officially acted upon the Minor Plat with reference to dedications. Filing fees for recording the Minor Plat shall be paid by the subdivider.

5. Approval of the Minor Plat shall expire unless the Minor Plat is recorded in the office of the County Clerk where the real property is located within a period of ninety (90) days after the date of final approval.
6. Submitted Material:
  - a.) The applicant shall submit the number of copies of the plat as required on the application form and one (1 digital copy of the Minor Plat.
  - b.) The applicant shall also submit a complete application and pay fees required for Final Platting in accordance with Section 4.14.12 of this document.
  - c.) At the time of submittal, the Planning Director or their designee will check all materials against the Minor Plat checklist for completeness before accepting any fees. Failure to submit all materials required for Minor Plat approval will constitute an incomplete submittal and shall cause the application not to be accepted for processing.
7. Duties of the City:
  - a.) Summarize the recommendations of the reviewing authorities.
  - b.) Take action on the Plat. The Planning Director may, for any reason, elect to present the Minor Plat to the Planning and Zoning Commission or the City Council, or both, to approve the Minor Plat.
8. Action by the City for Minor Plats
  - a.) The decision for the Planning Director shall be approval.
  - b.) Any Minor Plat the Planning Director refuses to approve shall be referred to the Planning and Zoning Commission or City Council, or both, within the time period required by State law.
9. Minor Plat Review Fee

A Final Plat review fee shall be paid to the City upon submission of the Minor Plat in accordance with the adopted fee schedule ordinance.

**SECTION 4.17      Expiration of Plats**

1. Preliminary Plat: A Preliminary Plat and a Phased Preliminary Plat shall expire in accordance with section 4.13(9).
2. All other plats: A Final Plat, Replat, Amended Plat, or a Minor Plat, which has not been recorded in the County Plat Records shall expire within 120 days from the date of approval of the Planning & Zoning Commission and/or City Council.
3. Extensions: The Planning & Zoning Commission may extend the expiration date of an approved preliminary plat or phased preliminary plat in accordance with section 4.13(9). For all other approved plats, the Commission may extend the expiration date upon written petition for such extension by the owner prior to the expiration of the plat, but not to exceed one (1) year.
4. Resubmittal: Upon the expiration of a plat, the applicant must proceed through the applicable process in its entirety, to include fee submittal and the review process.
5. It shall be the applicant's responsibility to monitor the timing of the plat and the potential for expiration.

#### 4.18 DORMANT PLATS

1. Definitions. For purposes of this section only, the following terms apply:
  - a) “Final plat “ means the final stage of approval of a subdivision or addition required by Prior Subdivision Regulations as a condition of recording a division of land in the deed records of Ellis County and that was approved or filed for approval pursuant to such Prior Subdivision Regulations.
  - b) “Prior Plat” means a land study, conceptual site plan, sketch plat, preliminary plat, building site plan or other similar representation showing a division of land into lots or tracts approved or filed for approval pursuant to Prior Subdivision Regulations, other than a final plat.
  - c) “Prior Subdivision Regulations” means any subdivision regulation or rule incorporated within a subdivision ordinance of the City of Midlothian that was in effect prior to May 11, 2000.
  
2. Expiration of Dormant Plat. Any prior plat or portion thereof, or any final plat or portion thereof that has not been recorded, which prior plat or final plat was approved or filed for approval before, but that was not subject to an expiration date under Prior Subdivision Regulations on, May 11, 2000, shall expire at 5:00 p.m. on August 31, 2005.
  
3. Appeal. The owner of the land subject to the prior plat or final plat that expires under subsection (2) may petition the City Council to reinstate such prior plat or final plat by filing a vested rights petition within six (6) months of the expiration. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:
  - (A) As of May 11, 2000, one of the following events had occurred:
    - (1) In the case of an approved prior plat:
      - (a) a final plat application for all or part of the land subject to the approved prior plat was approved, or was filed and was subsequently approved, or an application for a final plat was submitted for all or part of the land subject to the approved prior plat, but such application was rejected on grounds of incompleteness;
      - (b) Costs for development of the land subject to the prior plat, including but not limited to costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land subject to the prior plat;
      - (c) Fiscal security was posted to ensure performance of an obligation required for development of all or a part of the land subject to the approved prior plat; or
    - (2) In the case of an approved, unrecorded final plat:
      - (a) Costs for development of the land subject to the final plat, including but not limited to costs associated with roadway,

utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land subject to such final plat;

- (b) Fiscal security was posted after approval of the final plat to ensure performance of an obligation required for all or a part of the land subject to the approved final plat; or
- (c) Utility connection fees or impact fees for all or part of the land subject to the approved final plat were paid.

- (B) For an approved prior plat, one of the following events occurred after May 11, 2000, but before the expiration date specified in subsection (2):
  - (1) A final plat was approved for all or part of the land subject to the approved prior plat and remained in effect for such land on August 31, 2005; or
  - (2) A complete application for approval of all or part of the land subject to the approved prior plat was pending for decision on August 31, 2005.

4. Council Action. The City Council may take one of the following actions:

- (A) Reinstate the expired prior or final plat subject to such expiration dates as may be authorized by law, if it finds that the petitioner has met any one of the criteria listed in subsection (3)(A).
- (B) Reinstate the expired prior plat for all or part of the land subject thereto, if it finds that the petitioner has met any one of the criteria listed in subsection (3)(B), subject to such expiration dates or other conditions that assure that the remaining land that is not subject to an approved or pending final plat application will be developed in a timely fashion. In granting relief under this provision, the Council may require that development of such remaining land is subject to standards enacted after initial approval of the expired prior plat.
- (C) Deny the petition, if it finds that the petitioner has failed to meet any of the criteria in subsection (3)
- (D) Reinstate the prior plat for only that part of the land subject to a pending final plat application, if it finds that the petitioner has met the criteria in subsection (3)(B)(2) and the pending plat application subsequently was approved, and deny the petition for the remaining land within the expired prior plat.

#### **SECTION 4.19      Conveyance Plat**

1. A conveyance plat may be used to transfer ownership of a parcel or portion of a parcel of land in order to record the transfer of ownership without requiring construction or design of public improvements or collection of development fees.
2. The property must have access to private or public street.
3. The conveyance plat shall contain a certification note on the plat face, as follows:  
*This Conveyance Plat shall not convey any rights to development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all subdivision rules and regulations and the approval and recording of a Final Plat.*
4. A Conveyance Plat is filed for record in the county of jurisdiction upon administrative approval by the Planning Director.
5. The Conveyance Plat shall contain the following information also shown in Appendix A.
  - a) Title or name of development and graphic scale, north point, date of Plat and key map.
  - b) Location of the development by City, County and State.
  - c) Accurate boundary survey and property description with tract boundary lines indicated by heavy lines.
  - d) Accurate Plat dimensions with all surveying information necessary to reproduce the Plat on the ground.
  - e) Approved name and right-of-way width of each street, both within and adjacent to the development.
  - f) Locations, dimensions and purposes of any easements or other rights-of-way and all building lines.
  - g) Identification of each lot or site and block by number or letter.
  - h) Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions within 200 feet of the proposed subdivision.
  - i) Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use.
  - j) Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility.
  - k) Space for signatures attesting approval of the Plat by Planning Director and Planning Assistant, as shown in Appendix B.
  - l) Seal and signature of the surveyor responsible for surveying the development and/or the preparation of the Plat, as shown in Appendix B.
  - m) All deed restrictions that are to be filed with the Plat shall be shown on or filed separately with the Plat.

# **ARTICLE V**

## **IMPROVEMENTS**

## ARTICLE V

### IMPROVEMENTS

#### SECTION 5.10 Inspection

1. Except as provided in Subsection 3, below, no final plat shall be recorded and no building permit shall be issued for construction on a lot located within a subdivision until construction of all public improvements required to be constructed within the subdivision have been completed and accepted by the City.
2. All construction work, including but not limited to street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers and water mains performed by the subdivider, developer, owner or contractor shall be:
  - a. subject to inspection by the proper authorities of the City; and
  - b. constructed in accordance with the standard specifications approved by the City and other applicable City ordinances.

Notification must be made in accordance with City policies and procedures prior to City inspection of public improvements under construction.

3. A Final Plat may be recorded prior to the completion and acceptance by the City of all public improvements required to be constructed in association with the subdivision of land subject to the following:
  - (a) The owner and/or developer provide to the City an itemized list of the work remaining to be completed on the required public improvements and the estimated time to complete such work;
  - (b) The City Engineer approves and agrees to the deadline for completion of the required public improvements;
  - (c) The owner and/or developer provide to the City sufficient security to ensure completion of the required public improvements in the form of either:
    - (1) A cash escrow; or
    - (2) A irrevocable letter of credit drawn upon a state or national bank in Ellis, Dallas, or Tarrant County with a term sufficient to cover the completion period plus 60 days, and require only that the City present the issuer with a sight draft and a certificate signed by an

authorized representative of the City certifying to the City's right to draw funds under the letter of credit based on the developer's failure to complete the required public improvements by the agreed deadline; or

- (3) A performance bond or surety bond for the same time period in a form approved by the City attorney securing performance of the provisions of the development agreement by the developer.

Said security for completion of all public improvements shall be issued in the amount of 100 percent of the funds estimated by the City Engineer to be necessary to pay for all required public improvements.

- (d) The contractor(s) constructed the required public improvements provide a performance bond and payment bond with the City as a co-obligee. Such performance and payment bonds shall be equal to the total amount set forth in the contractor's contract.
  - (e) The issuer and form of any payment and/or performance bond and/or letter of credit shall be subject to the approval of the City attorney. The performance and payment bonds must be executed by a corporate surety in conformance with V.T.C.A., Government Code ch. 2253, as amended.
4. The City inspector or designated representative may issue red and green tags on inspected work. All "red tagged" work must be corrected, re-inspected, and issued a green tag prior to proceeding with any associated work. Additionally, the City inspector or designated representative shall have the authority to issue a stop work order on any construction work that is not in accordance with City requirements. Failure to take corrective action may result in a fine accordance with Article VII.
  5. Notwithstanding the recording of the Final Plat prior to completion and acceptance of all required public improvements associated with a subdivision, no building permit shall be granted for any lot unless and until the City Engineer determines that the required public improvements are sufficiently complete to allow fully paved access by police, fire, and emergency medical services, and the lot is being served by water, sanitary sewer, and electric utility services.

**SECTION 5.11 Street Lighting and Lighting Plan**

Street lighting will be required in all subdivisions in accordance with City and local electric franchise provider requirements. Streetlights shall be located such that they

do not conflict with the placement and /or maintenance of utilities and shall remain clear of sidewalks and handicap ramps. All electric utilities shall be placed underground when possible, as determined by the City Engineer.

A street lighting layout plan shall be included as a part of the engineering plans and shall include the type of street lights and proposed locations in relation to easements, other utilities, sidewalks and handicap ramps. Street lighting to be maintained by the City shall be of the type covered under local electric franchise provider requirements.

**SECTION 5.12      Street Signs and Traffic Control Devices**

All street signs and traffic control devices shall conform to the fundamental use and design requirements set forth in the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

1.      The subdivider shall pay for the costs of purchasing and installing street posts and signs at each street intersection. Street signs shall be comprised of 9-inch tall blades with 6-inch high letters. Posts and bases shall be perforated square metal tubing.
  
2.      The subdivider or developer shall pay for the costs of purchasing and installing posts and traffic signs along each street and at each street

intersection within the subdivision, which signs shall be of the same type as used by the City. Posts and bases shall be perforated square metal tubing.

**SECTION 5.13      Perimeter Streets**

Where the proposed subdivision is located adjacent to a substandard road or street within the City and it is deemed not feasible to improve said road or street at the time of development of the subdivision, the subdivider or developer shall pay to the City a fee equal to one-half (1/2) the cost of improvements required to meet City standards (including, but not limited to, excavation, subgrade preparation, paving, drainage facilities, utility adjustments and engineering) and dedicate the necessary right-of-way for said road or street as a condition precedent to the acceptance of the subdivision improvements by the City for maintenance purposes. No building permits shall be issued until all fees have been paid. The estimate of the cost of said improvement shall be determined by the City Engineer and made available to the subdivider. The fees shall be placed by the City into a street improvement escrow fund, and shall be specifically reserved and used for the improvement of said roads or street. When a thoroughfare is improved adjacent to the subdivision, there shall not be a curb and gutter assessment levied by the City against the property for which the fee was collected. If the improvement to the road or street does not occur within ten (10) years from the date the fee is placed on deposit with the City, the fee, including any interest earned thereon, shall be returned to the property owners of record at that time. There shall be no refunds if the street is constructed within the specified time.

**SECTION 5.14      As-Built Plans / Record Drawings**

Prior to the acceptance of a subdivision by the City, the engineer for the subdivider or developer shall submit to the City Engineer a complete set of reproducible drawings of the paving, drainage, water and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" or "Record Drawings" stamp bearing the signature of the engineer for the subdivider or developer and the date. In addition to the reproducible set, an electronic file in .DXF, .DWG or .PDF format shall be furnished to the City on CD-ROM.

**SECTION 5.15      Maintenance Bond**

Prior to acceptance of a subdivision by the City, the subdivider or developer shall furnish a good and sufficient maintenance bond in the amount of forty percent (40%) of the contract price with a reputable and solvent corporate surety, authorized to do business in this State, in favor of the City, to indemnify the City against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project.

In lieu of the above referenced maintenance bond, the City will consider an irrevocable letter of credit, in a form approved by the City Attorney, from a banking institution authorized to conduct business in the State of Texas.

A \$100 fee to cover the City's review and possible approval of the letter of credit is required.

**SECTION 5.16      Design and Field Changes**

Any proposed design changes to the approved construction plans, based on field conditions or other circumstances, shall be referred back to the professional engineer of record for redesign and submittal to the City Engineer's office for review and approval.

**SECTION 5.17      Storm Water Pollution Prevention Plan and Erosion Control**

A storm water pollution prevention plan (SWPPP) is required for all construction activities that disturb one (1) or more acres by the Texas Commission on Environmental Quality (TCEQ). This plan shall show proposed measures to control pollutants in storm water discharge during and after construction operations. A section of the SWPPP shall contain an erosion control plan, signed and sealed by a professional engineer licensed in the State of Texas. A notice of intent (N.O.I.) and a notice of termination (N.O.T.) are required by TCEQ for all construction activities that disturb five (5) or more acres. A copy of the N.O.I. shall be posted at the construction site prior to commencing construction and shall be maintained at a readily available location until completion of the construction activities. The N.O.I. must be submitted and filed 48 hours prior to the start of construction. The N.O.T. must be filed upon completion of construction.

The SWPP shall be kept at the construction site for assessment by TCEQ inspectors at all times. The SWPPP shall be kept up-to-date, and clearly indicate any and all changes made to the plan throughout construction. The TCEQ requires that inspections of the storm water pollution measures be done on a bi-weekly basis and within 24 hours of the end of a storm event of 0.5 inches or greater. A record of all inspections shall be kept at the construction site. Erosion control measures (curlex blanket, silt fence, etc.) must be placed behind the back of curb throughout construction. All ditches or swales that are constructed shall be immediately hydromulched and maintained through the life of the maintenance bond period. Should any pollution prevention measure fail, the failure shall be repaired immediately.

# **ARTICLE VI**

## **SUBDIVISION**

### **DESIGN**

#### **REQUIREMENTS**

## ARTICLE VI

### SUBDIVISION DESIGN REQUIREMENTS

#### **SECTION 6.11**     Street Standards

Provisions shall be made in the subdivision, when appropriate, for the extension of major streets in accordance with the Master Plan of the City of Midlothian. Collector streets shall be provided through residential and non-residential subdivisions bounded by arterial streets whereby adequate circulation of traffic flow is provided between the arterial streets and the subdivisions. Adequate local streets shall be provided to accommodate traffic flow within the subdivision.

1.     Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
  - a.     Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
  - b.     Conform to a plan for a neighborhood, approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
  
2.     Boundary Streets - In cases where the land proposed to be subdivided is partially or totally bounded on one or more sides by an existing street, way, or artery having width less than that specified in this Ordinance, the subdivision shall be laid out so as to provide the street right-of-way width required.

A half-street along adjoining property which has not been subdivided may be approved; however, if it is deemed necessary by the City that the full width of the street be obtained, then the developer of the first tract to be subdivided may be required to obtain the additional or remaining right-of-way from the adjacent tract, or dedicate sufficient right-of-way for the street paving and installation of utilities. Boundary streets, shall be improved as a part of the subdivision development.

3.     Street Intersections - More than two (2) streets intersecting at a point shall be avoided.

Where several streets converge at one point, or acute intersection angles are present, setback lines, special rounding or cutoff corners may be required to insure safety and facilitation of orderly traffic movements.

For maximum traffic safety and ease of traffic operations, all street intersections should intersect at ninety (90) degree angles.

No arterial street shall intersect any other arterial street at an angle that varies from a ninety (90) degree angle of intersection by more than five (5) degrees.

An intersection of two collector streets shall not vary from a ninety (90) degree angle of intersection by more than ten (10) degrees.

An intersection of local streets shall not vary from a ninety (90) degree angle of intersection by more than fifteen (15) degrees.

Street intersections with arterial or collector streets shall have property line corner radii with a minimum tangent distance of twenty-five (25) feet or a distance as determined by the City.

4. Dead End Street, Cul-de-Sacs and Courts - Dead end streets shall not be approved, unless:
  - a. Such streets are designed to connect with future streets in adjacent land not yet subdivided, in which case the streets shall extend to the boundaries of the land being subdivided and a temporary turnaround must be provided. Lots may not front on dead end expansion streets.
  - b. Cul-de-Sacs, courts or places may be permitted where the form or contour of the land or the shape of the property makes such street design appropriate. Such cul-de-sacs, courts or places shall provide proper access to all lots and shall generally not exceed six hundred (600) feet in length from the centerline of the intersection to the radius point and no more than 25 lots may be served by a cul-de-sac. A turnaround shall be provided at the closed end which has a minimum right-of-way radius of sixty (60) feet, and an outside roadway (pavement) radii of at least forty and one-half feet (40.5'), except that if an equally safe and convenient form of paved space is approved by the Commission in place of a turning circle, such approved space may be improved as agreed upon. Cul-de-sacs in industrial or commercial developments shall not exceed a distance length of 600 feet and will have a right-of-way radius of 75 feet, and an outside roadway (pavement) radii of sixty-five and one-half feet (65.5'), or other provisions as approved by the City.
  - c. The cul-de-sacs or courts are part of a Community Unit or Planned Development approved by the City where such arrangements are part of the overall neighborhood design.
5. Relation of Adjoining Streets and Land - The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where adjacent connections are not platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith. Reserve strips of land controlling access to or egress from other property, or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.
6. Local streets shall be so laid out that their use by through traffic will be discouraged. Street jogs with centerline offsets of less than one hundred and thirty-five (135) feet shall be prohibited unless otherwise approved by the City Engineer.

7. Where a residential subdivision abuts or contains an existing or proposed, railroad or highway, the City may require the developer to provide marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, landscaped berms, a noise barrier fencing that is a solid masonry fence at least six (6) feet in height, or such other treatment as may be deemed necessary by the Planning and Zoning Commission for adequate protection of residential properties and to afford separation of through and local traffic. Local street connections to arterial streets, highways or the crossing of railroads shall be as few as practical and located opposite existing streets.
8. Curve Requirements (Other than Intersections) - Arterial streets shall have a minimum radii at the centerline of one thousand (1000) feet; collector streets shall have a minimum radii at the centerline of five hundred (500) feet; and local streets and alleys shall have a minimum radii at the centerline of one hundred and fifty (150) feet.
9. Blocks - The lengths, widths and shapes of blocks shall be determined regarding:
  - a. Provision of adequate building sites suitable to the special needs of the type of use proposed.
  - b. Zoning requirements as to lot sizes and dimensions.
  - c. Needs for convenient access, circulation, control and safety of traffic.
  - d. Limitations of topography.

Where no existing subdivision controls, the blocks shall not exceed one thousand three hundred twenty (1320) feet in length nor be less than six hundred (600) feet in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the Planning and Zoning Commission. Blocks longer than six hundred (600) feet shall be avoided in business districts or as approved by the Planning and Zoning Commission.

10. Street Width and Paving Width

**Table 6-1**

Type	Design Speed MPH	Street Right-of-Way Width (ft.)	No. Of Lanes & Width (ft.)	Paving Width (Back to Back of Curb (ft.))
Major Arterial	45	120	6	2-37
Minor Arterial	45	90	4	2 -25
Major Collector	40	80	4	49
Minor Collector	35	60 or 70	3 or 4	37 or 45
Local Street	35	50	2	31
Local Street with ≥ 1 acre lots	35	50	2	28 (no curb)

11. *Street Grades.* The grade of all public streets shall be constructed in accordance with the following:

- (a) Arterial streets have grade of not exceeding six (6) percent for a continuous distance of no more than two hundred (200) feet.
- (b) Collector streets shall have a grade not exceeding eight (8) percent.
- (c) Local streets shall have a grade of not exceeding ten (10) percent.
- (d) Streets located within areas that have general subsurface conditions meeting either the Group 1 or Group 2 soil classification, as detailed in Section 6.16-2, must have a minimum grade of at least three quarters (3/4) of one (1) percent.
- (e) All streets located in areas meeting the Group 3 soil classification.
- (f) Centerline grade changes with an algebraic difference of more than one (1) percent shall be connected with vertical curves to provide a minimum stopping sight distance of:
  - (1) four hundred (400) feet on arterial streets;
  - (2) three hundred (300) feet on collector streets; and
  - (3) one hundred twenty-five (125) feet on local streets.
- (g) All vertical curve lengths shall be established from Figure 6-1 for the various design speeds with respect to algebraic differences in grade.
- (h) Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not be less than one-eighth (1/8) inch in one (1) foot or more than one-half (1/2) inch in one (1) foot.
- (i) Following a review and recommendation by the City Engineer, an exception to compliance with the provisions of this subsection 11, may be approved by the City Council.

12. Street Signs - Street name signs shall conform to Section 5.12.

13. Fire Hydrant Locators - Fire hydrant locators shall consist of four inch by four inch (4" x 4") blue reflector traffic buttons, installed at the third point of paving and shall be installed opposite each fire hydrant on all streets.

14. Minimum Radius – Unless otherwise approved by the City Engineer, the required radius for curb returns at intersections shall be as follows:

Intersection Classification	Min. Radius (ft.)
Arterial / Arterial	75
Arterial / Collector	75
Collector / Collector	50
Arterial / Local	35
Collector / Local	30
Local / Local	20

## **SECTION 6.12     Alleys**

No alleys shall be permitted unless first approved by the City Council following receipt of a recommendation from the Planning and Zoning Commission. If authorized, alleys shall be designed and constructed in accordance with the following minimum specifications:

1. The minimum width of an alley right-of-way shall be 20 feet in industrial and commercial areas and 15 feet in residential areas. Alley turn-outs shall be paved to the property line, with a pavement width of at least 12 feet. Paving radius shall be a minimum of fifteen (15) feet at intersections with all streets.
2. Alley intersections and sudden changes in alignment shall be avoided, but, where necessary, lot corners shall be cut off at least 15 feet on each tangent to permit safe vehicular movement.
3. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities, as determined by the City.
4. All alleys shall be paved, and the paving shall be reinforced concrete conforming to Section 6.16 of this Ordinance. Alley paving shall be a minimum of twelve feet (12') wide in residential areas and sixteen feet (16') wide in commercial and industrial areas.

## **SECTION 6.13     Easements**

1. Easements across lots on rear or side lot lines shall be provided for utilities when necessary and shall be at least 15 feet wide, and as determined by City Engineer.
2. Where a subdivision is bounded by or contains a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage easement conforming substantially to the lines of such water course, or of such width to provide for any future anticipated construction, plus 10 feet on each side.

## **SECTION 6.14     Lots**

1. All lots shall conform to the regulations as set forth in the City's Zoning Ordinance with the exception of lots located in the Extraterritorial Jurisdiction.
2. Corner lots in residential areas shall be wider than inside lots so as to allow an appropriate set-back from both streets.
3. Each lot shall front onto a public street. Lots with street frontage at both front and rear shall be avoided when possible. No driveway access shall be allowed to residentially zoned lots or to lots intended for residential uses to a Freeway, Highway, Farm to Market Road, frontage or back

roads serving a Highway, Major or Minor Arterials, and Major Collectors without the prior approval of the City Council, following the review by and receipt of a recommendation made from the Planning & Zoning Commission.

4. Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.
5. In subdivisions where buildings are to be served by septic type systems, and if a septic waiver is granted in advance by City Council, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the Texas State Department of Health, Ellis County, and the City of Midlothian.
6. Lots served by individual on-site sewage facilities for sewage disposal shall have a minimum surface area of at least one (1) acre for both conventional and aerobic systems, excluding any part within the floodplain, and a minimum of one hundred (100) feet of frontage, or 150 feet frontage in the County.
7. Subdivisions containing forty (40) or more lots shall be designed to have more than one street for entry and exit and with driveway access to interior streets only. Smaller subdivisions or individual lots with direct driveway access to arterial streets must provide a minimum driveway spacing of 150 feet, and a minimum street spacing of 1,000 feet. All lots fronting on major collectors or minor arterials shall be designed with sufficient "turn-around" room to prevent backing into high volume roads.
8. A lot grading plan shall be submitted as a part of the construction plans. The plan shall be consistent with the drainage area map and include proposed contours, spot elevations and flow arrows to clearly indicate where and how the flow from each lot will be conveyed or intercepted. Type A, B or C drainage for each lot as described in HUD (FHA) Data Sheet 72, as amended, shall be identified on the plan. Type 1 or 2 block grading shall be provided unless special provisions are made for all Type 3 and 4 block grading and approved by the City Engineer.

#### **SECTION 6.15      Survey**

1. Accuracy - All survey work around the boundary area as well as within the subdivision shall have an error of closure of one foot in fifteen thousand feet (1/15,000) or less.
2. The surveyor responsible for the Plat, shall place permanent monuments at each corner of the boundary survey of the subdivision. These monuments shall be a concrete post, four (4) inches in diameter and four (4) feet long, or other such type of monuments as shall be approved by the City. The precise point of intersection is to be indented on the top of the monument. Block corners shall be referenced to these monuments and the bearing and distances of the reference lines filed in written form with the City. Tops of monuments shall be set flush with existing ground level in non-paved areas. Elevations and locations of monuments shall be shown on the Final Plat.

## **SECTION 6.16      Improvement Standards and Requirements**

### 1.      Standard Specifications and Construction Details

All improvements shall be in accordance with these regulations and the City of Midlothian Standard Construction Details, as may be amended which is a separate document from this ordinance.

Improvements not covered in the Standard Construction Details shall be in accordance with the Standard Specifications, as issued by the North Central Texas Council of Governments, (latest revision) 1997, hereinafter referred to as COG specifications, and adopted and modified by the City of Midlothian, Texas.

### 2.      Subgrade Stabilization - In the Midlothian area there are two geological formations, the Eagle Ford and the Austin Chalk. The general subsurface soils conditions can be divided into the following groups:

Group 1: Highly plastic, expansive residual clay and shay clays of the Eagle Ford Geological Formation, having plasticity indices ranging from approximately 40 to 48, and a raw California Bearing Ratio (CBR) value ranging from 1 to 4. This group is generally located west of the ridge line running through town.

Group 2: Highly plastic expansive residual clays of the Austin Chalk Geological Formation, having plasticity indices ranging from approximately 33 to 45 and a raw CBR value ranging from 2 to 5. This group is generally located east of the ridge line running through town.

Group 3: Low to moderately plastic limey clays and severely weathered limestones of the Austin Chalk Geological Formation, having plasticity indices ranging from approximately 10 to 22 and a raw CBR value ranging from 6 to 10. This group is generally located along the ridge line.

If requested, the developer shall furnish the results of soils tests performed by an approved independent soils laboratory and a pavement analysis design performed by the developer's engineer under specific loading conditions.

Soil samples to determine the Plasticity Index (PI) of the soil at the ultimate level of the pavement base course, shall be taken at least once per block or every 500', whichever is less, with a minimum of two (2) samples per project. Should the PI vary considerably from one sample to another, additional samples will be taken as determined by the City.

Soil stabilization under concrete pavements will not be required if the PI of the soil is 15 or less, or as approved by the City Engineer.

If the PI exceeds 15, soil stabilization to a depth of at least eight (8) inches will be required utilizing eight (8) percent by weight of lime.

### 3.      Paving

#### a.      Concrete Strength Requirements:

1. Concrete Curb and Gutter  
Concrete curb and gutter shall be constructed of a concrete batch design, having not less than 3600 psi compressive strength in 28 days, and shall be reinforced with #4 steel rebar.
  2. Reinforced Concrete Pavement and Monolithic Curb  
Concrete pavement and monolithic Curb properly and continuously reinforced shall be constructed of a concrete batch design providing no less than 3600 psi compressive strength in 28 days.
- b. Pavement Thickness Requirements:  
All streets shall be designed and constructed with adequate thickness. Pavement shall be reinforced concrete having not less than 3,600 psi compressive strength in 28 days. Reinforcing shall consist of #4 steel rebars on twenty-four (24) inch centers both ways and in accordance with City of Midlothian Standard Construction Details. Concrete compressive strength tests shall be performed by an accredited testing lab as approved by the City Engineer. Table 6-2 indicates the pavement thickness requirements for each street classification and each soil group.

Table 6-2  
Design Pavement Thickness

<u>Street Classification</u>	<u>Pavement Thickness</u>
Local Street with $\geq$ 1 acre lots	6"
Local Street	6"
Minor Collector	7"
Major Collector	8"
Minor Arterial	8"
Major Arterial	8"

The above pavement thickness and subbase stabilization will be acceptable without performing design calculations. Any proposed pavement section of lesser thickness or alternate materials or subbase stabilization shall be fully documented by the design engineer and must be approved by the City Engineer.

- c. Concrete Curb and Gutter:  
All pavement sections shall include concrete integral or attached curbs, with strength requirements listed in Section 6.16.3.a, and constructed in accordance with standard City of Midlothian construction specifications.
- d. Bar Ditches
1. Curbs are not required on single family residential lots one (1) acres or greater in size. However, if any lots within the

overall subdivision are less than one (1) acres in size, then curb and gutter shall be required throughout the entire subdivision.

2. When curbs are not constructed within the single family residential subdivision, in accordance with Section 6.16.3.d.1, the following shall apply:
  - a) Bar ditches shall be placed within the parkway area with a maximum slope of 4:1 side slopes and maximum depth of twenty-four inches (24"), unless otherwise directed by the City Engineer.
  - b) After ditches are shaped, they shall be immediately hydromulched and maintained through the life of the two year maintenance bond period.
  - c) All driveways shall include reinforced concrete culvert pipe, type III, with concrete headwalls and sloped-end treatments. All sizing and construction shall be in accordance with the City of Midlothian Standard Construction Details, and as directed by the City Engineer.

4. Sidewalks

- a. Concrete sidewalks having a width of not less than four (4) feet and thickness of not less than four (4) inches shall be constructed of 3,000 psi concrete with #3 steel rebars on eighteen (18) inch centers, both ways and in accordance with standard City of Midlothian construction specifications. Sidewalks shall be located on both sides of all streets and thoroughfares within a single family, multifamily, commercial or industrial subdivision. Sidewalks shall be constructed one (1) foot from the property lines within the street right-of-way and shall extend along the street frontage including the side of corner lots and block ends. Construction of sidewalks adjacent to curbs in residential areas will be considered only where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block. In these instances, the sidewalk shall be 5 feet wide.
- b. Sidewalks shall be constructed in a manner that meets the American Disability Act (ADA) requirements for handicap accessibility at street intersections and adjoining individual driveways. Sidewalks shall be constructed without any encroachments of utility poles, trees, mail boxes, etc.
- c. Sidewalks are not required on single family residential lots one (1) acre or greater in size. If any lots within the overall subdivision are less than one (1) acre in size, then sidewalks shall be constructed throughout the entire subdivision.
- d. Concrete compressive strength tests shall be performed by an accredited testing lab as approved by the City Engineer.

5. Storm Sewers

a. General

The design of storm drainage improvements in the City of Midlothian shall be based on flood discharges determined from the Modified Rational Formula. The formula for calculating storm flows in this manner is:

$$Q = C_A C I A, \text{ where}$$

- Q is the storm flow at a given point;  
C is a coefficient of runoff representing the ratio of runoff to rainfall. Coefficient values to be used are listed below in Section 6.16, 5(b).  
I is the average intensity of rainfall for a period equal to the time of flow from the farthest point of the drainage area to the first inlet point on the storm sewer;  
A is the area tributary to the design point;  
C<sub>A</sub> is the antecedent precipitation factor, values to be used in this formula are shown in Table 6-3.

Table 6-3

Antecedent Precipitation Factor "C<sub>A</sub>"

Recurrence Interval (Years)	C <sub>A</sub>
2 to 10	1.0
25	1.1
50	1.2
100	1.25

NOTE: The product of (C) (C<sub>A</sub>) should not exceed 1.0

b. Runoff Coefficient

The runoff coefficient which considers the slope of the terrain, the character of the land use, the length of overland flow, and the imperviousness of the drainage area shall be determined from the ultimate land development as shown on the Master Plan of the City of Midlothian. The runoff coefficient for the appropriate land uses shall be as follows:

Commercial Areas	0.95
Industrial Areas	0.75
Residential Areas	0.50
Apartment Areas	0.80
Park Areas	0.40

c. Rainfall Intensity - Frequency

The rainfall intensity - frequency curves which are shown on Plate 1 (*Page 12 of this Section*) are plotted from data by the National Oceanic and Atmospheric Administration Technical Memorandum NWS Hydro-35, and Technical Paper 40.

The intensity, I, in the formula  $Q = C_A CIA$  is determined from these curves by arriving at a time of concentration and adapting a storm frequency upon which to base the drainage improvements.

1) Time of Concentration

The time of concentration, which is the longest time that will be required for a drop of water to flow from the furthest point of the drainage area to the point of concentration. Time of concentration consists of the time required to flow overland plus the time required to flow in the storm drainage facility. A minimum time of concentration of twenty (20) minutes shall be used for parks and open spaces. A minimum time of concentration of fifteen (15) minutes shall be used for residential areas. A minimum time of concentration of ten (10) minutes shall be used in industrial, commercial and mercantile areas. A nomograph, shown on Plate 2 (*Page 13 of this Section*), is attached for estimating the time of concentration.

2) Storm Frequency

Recommended design storm frequencies for the storm drainage improvements in the City of Midlothian are shown in Table 6-4 as follows:

Table 6-4

Type of Facility	Description of Area to be Drained	Recommended Maximum Time of Concentration (Minutes)	Recommended Design Frequency (years)
Storm sewers with inlets on grade and recessed	Residential	30	10
Storm sewers draining low point inlets	Any type of area	30	25
Culverts, Bridges, Channels and Creeks	Any type of area less than 100 acres	30	25
Culverts, Bridges, Channels and Creeks	Any type of area greater than 100 acres but less than 1,000 acres	45	50

Culverts, Bridges, Channels and Creeks	Any type of area greater than 1,000 acres	60	50
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In connection with the design of facilities such as Low Point Inlets, Culverts, Bridges, Channels and Creeks shown in Table 6-4, the discharge for a 100-year return frequency storm and the resulting possible damages therefrom shall be evaluated to determine if said damages are sufficient to warrant the enlargement of the planned facility. In any areas where storm water runoff concentrates at low points of grade or where discharge in excess of the design discharge flows across private property, the following information shall be shown:

- a) The 100-year design discharge.
- b) The depth of inundation of this discharge.
- c) An evaluation of the possible damages resulting from the above information.
- d) Area  
The area used in determining flows by the "Modified Rational Formula" shall be calculated by subdividing a map into drainage areas within the basin contributing storm water runoff to the system.
- e) Spread of Water  
During the design storm, the quantity of storm water that is allowed to collect in the streets before being intercepted by a storm drainage system is referred to as the "spread of water". In determining the limitations for carrying storm water in the street, the ultimate development of the street shall be considered. The use of the street for carrying storm water shall be limited to the following:

**SPREAD OF WATER**

Arterials - One traffic lane on each side to remain clear

Major Collectors - Two traffic lanes to remain clear

Minor Collectors - One traffic lane to remain clear

Local streets - Six (6) inch depth of flow at curb or no lanes completely clear.

The capacity of straight crown streets can be determined from Plate 3 (*Page 14 of this Section*). This plate applies to all street widths having a straight cross slope varying from 1/8-inch per foot to 1/2-inch per foot. 1/4-inch foot cross slopes shall be used unless prior approval is granted by the City.

Arterial or collector streets shall not be crossed with surface drainage. At any intersection, only one street shall be crossed with surface drainage and this shall be the lower classified street.

f) Storm Sewer Design

Storm water in excess of that allowed to collect in the streets shall be intercepted in inlets and carried away in a storm sewer system. Storm sewer capacity shall be calculated by Manning's formula:

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2} \text{ where}$$

Q is the discharge in cubic feet per second;  
A is the cross-sectional area of flow in square feet;  
R is the hydraulic radius in feet;  
S is the slope of the hydraulic gradient in feet per foot;  
n is the coefficient of roughness (n=.013 for new concrete pipe)

A storm drainage conduit must have sufficient capacity to discharge a design storm with a minimum of interruption and inconvenience to the public using streets and thoroughfares. The size of the conduit is determined by accumulating runoff from contributing inlets and calculating the slope of a hydraulic gradient from Manning's Equation.

To determine the capacity of specific inlets, Plates 4 through 7 (*Pages 15-18 of this Section*) shall be used. In using the plates for the selection of inlet sizes, care must be taken where the gutter flow exceeds the capacity of the largest available inlet size. Inlets shall be sized to intercept all flow in the approaching gutter, for the design storm, where possible.

Beginning at the upper most inlet on the system, the hydraulic gradient for the selected conduit size shall be plotted between each contributing inlet to insure that the selected conduit will carry the design flow at an elevation below the gutter profile. At each point where an inlet lateral enters the main conduit, the hydraulic gradient of the storm sewer must be 1.5 feet below the gutter grade.

At the discharge end of the conduit (generally a creek or stream) the hydraulic gradient of the creek for the design storm must coincide with the gradient of the storm drainage conduit. The hydraulic gradient of the

creek or stream for the design storm can be calculated by use of the HEC-2 Computer Program.

Concrete pipe conduit shall be used to carry the stormwater. Manning's Equation shall be used to determine the various hydraulic elements including the pipe size, the hydraulic gradient, capacity of the conduit and the velocity.

Storm sewer pipe sizes shall be so selected that the average velocity in the pipe will not exceed fifteen (15) feet per second nor less than two and one-half (2.5) feet per second.

Storm sewer systems shall be installed in all areas when either of the following apply:

1. The runoff can be carried in a pipe of sixty inches (60") in diameter or smaller; or
2. Where it is necessary for the protection of adjacent facilities that the storm water be carried in an enclosed facility.

g) Open Channel Design

Storm water runoff in excess of that allowed to collect in the streets in developed areas and runoff in undeveloped areas may be carried in open channels (not in the street right-of-way). Open Channel capacity shall be calculated by Manning's Formula and roughness coefficients shall be as follows:

Type of Lining	Roughness Coefficient "n"	Maximum Permissible mean Velocity
Earth (Bermuda Grass)	0.035	8 ft. per sec.
Concrete Lined	0.015	15 ft.per sec.
Weathered Rock	0.030	15 ft.per sec.

h) Open channels shall be constructed with a trapezoidal cross section and shall have side slopes no steeper than 4:1.

Should it be necessary to construct a channel with side slopes steeper than 4:1, security fencing of a minimum of six feet (6') in height shall be constructed on both sides of the channel.

Reinforced concrete lined channels shall conform to the following:

1. Channels draining an area with a "CA" factor of 250 or less shall be lined with reinforced concrete in a manner which will contain the design frequency storm plus one foot (1') of freeboard within the concrete lining.
2. Channels draining an area with a "CA" factor of more than 250 but less than 500 shall be concrete lined to contain the runoff from a five (5) year return frequency storm with the balance of the required design frequency storm contained within grassed slopes no steeper than three (3) horizontal to one (1) vertical and with a minimum of one foot (1') freeboard.
3. Channels draining an area with a "CA" factor of more than 500 but less than 2,000 shall be constructed with a reinforced concrete pilot channel not less than twelve feet (12') in width and having at least six inch (6") curbs, a four inch (4") depressed invert, and an appropriate edge protection as accepted by the City Engineer. The remainder of the channel shall consist of earthen side slopes with proper vegetative cover on slopes not steeper than 3 to one.

Natural channels may be preserved when draining an area having a "CA" factor of more than 2,000 or when the developer desires to preserve natural channels within his addition for purposes of aesthetics and/or open space. The following criteria shall apply when natural channels are to be preserved:

1. An application for preservation of a natural channel shall be submitted to and approved by the City prior to approval of the preliminary plat. This application shall contain the following information furnished by the developer's engineer.
  - a) Topographic, hydrologic and hydraulic information sufficient to properly evaluate the proposal and showing that:
    - (i) before any site work has begun, all land having an elevation below the fifty (50) year return frequency flood elevation is contained within an easement dedicated to the public for the purpose of providing drainage; (ii) the channel easement has a minimum

hydraulic capacity to accommodate a fifty (50) year return frequency storm based on a fully developed water shed; (iii) that all minor channel improvements, such as reshaping, realignment, etc., are protected with sodding, backsloping, cribbing, or other bank protection that is designed and constructed to control erosion from the fifty (50) year return frequency flood. An analysis shall also be made to determine the effects of the 100-year flood.

- b) When the natural channel to be preserved is one which has had Flood Plain Information developed the flood plain boundary limits of the 100-year return frequency storm shall be as shown.

The subdivider shall dedicate a right-of-way on all open channels of sufficient width to provide for excavation of the open channels of proper width, plus 10 feet on each side to permit ingress and egress for maintenance.

i) Culvert Design

At locations of creek crossings with proposed roadway improvements, it is sometimes necessary to receive and transport storm water under the roadway in culverts. The quantity of flow shall be determined by the Modified Rational Formula, and the capacity of the culvert shall be calculated by Manning's Formula.

Design of culverts shall include the determination of upstream backwater conditions as well as downstream velocities and flooding conditions. Consideration shall be given to the discharge velocity from culverts, and the following limitations are allowed.

CULVERT DISCHARGE - VELOCITY LIMITATIONS

Culvert Discharging on to	Maximum Allowable Velocity (f.p.s.)
Earth (Bermuda Grass)	8
Paved or riprap apron	15
Shale	10
Rock	15

Generally, all culverts shall be designed with a free outfall and the following head losses shall govern the design of the culvert:

1. Frictional Head Loss  $h_f = s_f L$

$$h_f = s_f L \quad \text{where}$$

$s_f$  = Slope of frictional gradient in; feet per foot

L = Length of culvert in feet

2. Head Loss due to change in velocity

$$h_v = \frac{v_2^2}{2g} - \frac{v_1^2}{2g} \quad \text{where}$$

$$\frac{v_2^2}{2g} \quad \frac{v_1^2}{2g}$$

$V_2$  = Velocity in culvert;

$v_1$  = Velocity in channel above culvert;

g = Acceleration due to gravity

3. Head Loss at upstream entrance to culvert due to entrance and change in section

$$h_e = \frac{v_2^2}{2g} \quad \text{where } v_1 \text{ is equal to or less than}$$

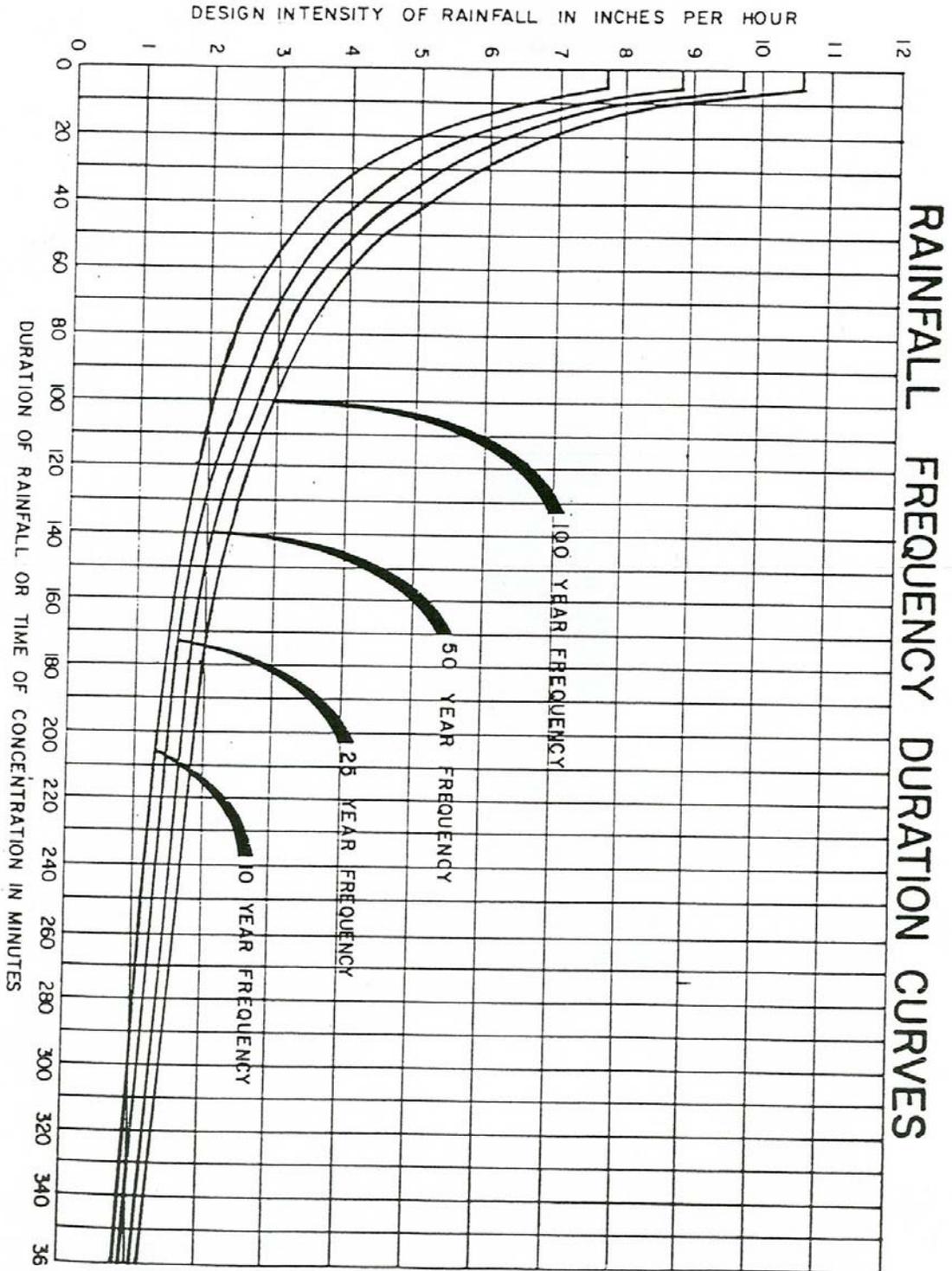
—

$\frac{v_2^2}{2g}$  six (6) feet per second

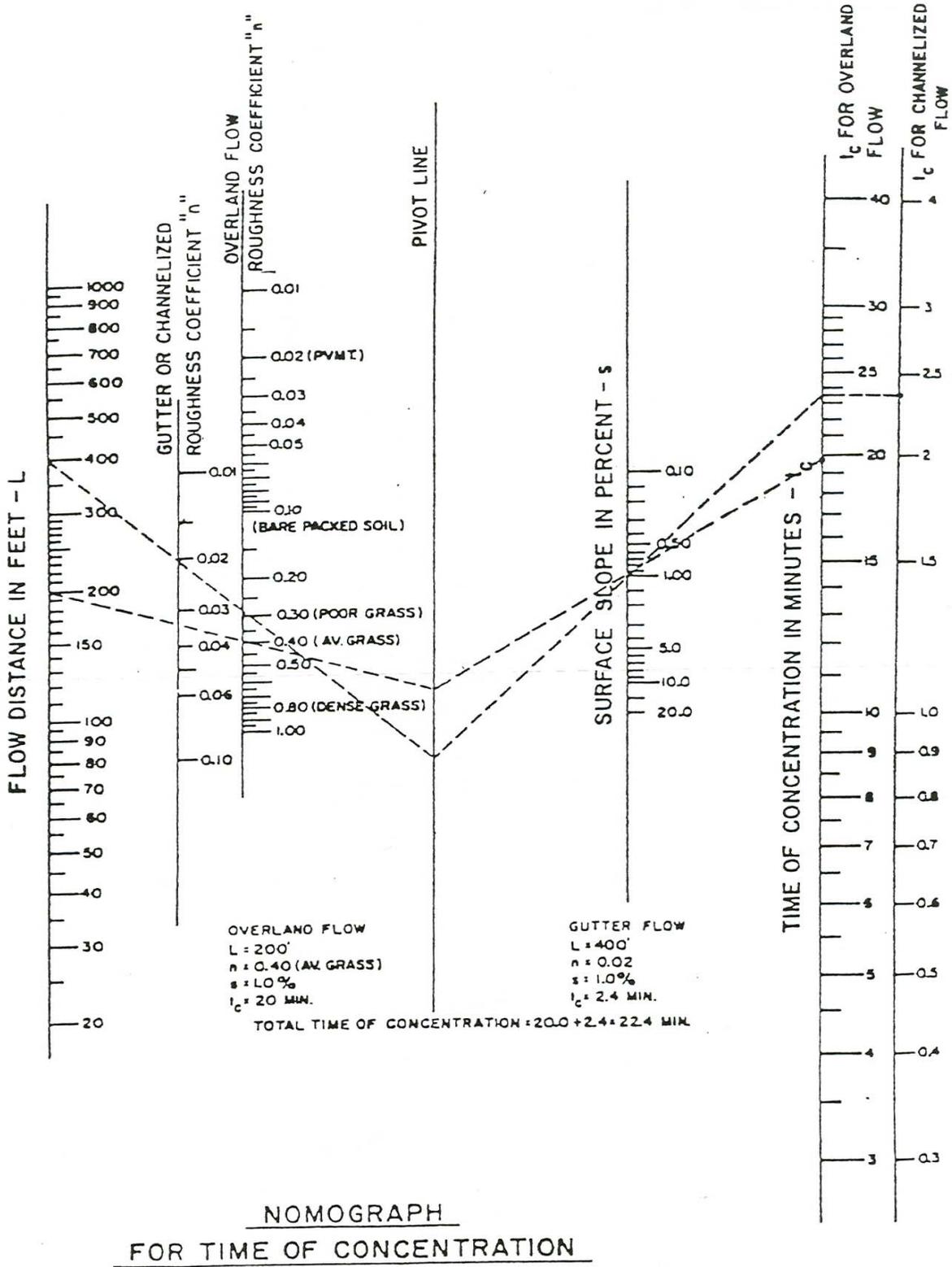
$$h_e = \frac{v_2^2}{2g} - 0.5 \frac{v_1^2}{2g} \quad \text{where } v_1 \text{ is greater than}$$

$$\frac{v_2^2}{2g} \quad \frac{v_1^2}{2g} \quad \text{six (6) feet per second}$$

**Plate No. 1**



# Plate No. 2



# Plate No. 3

**EXAMPLE**

**Known:**

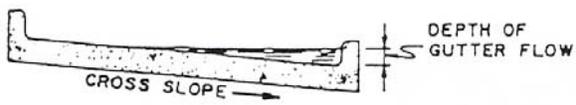
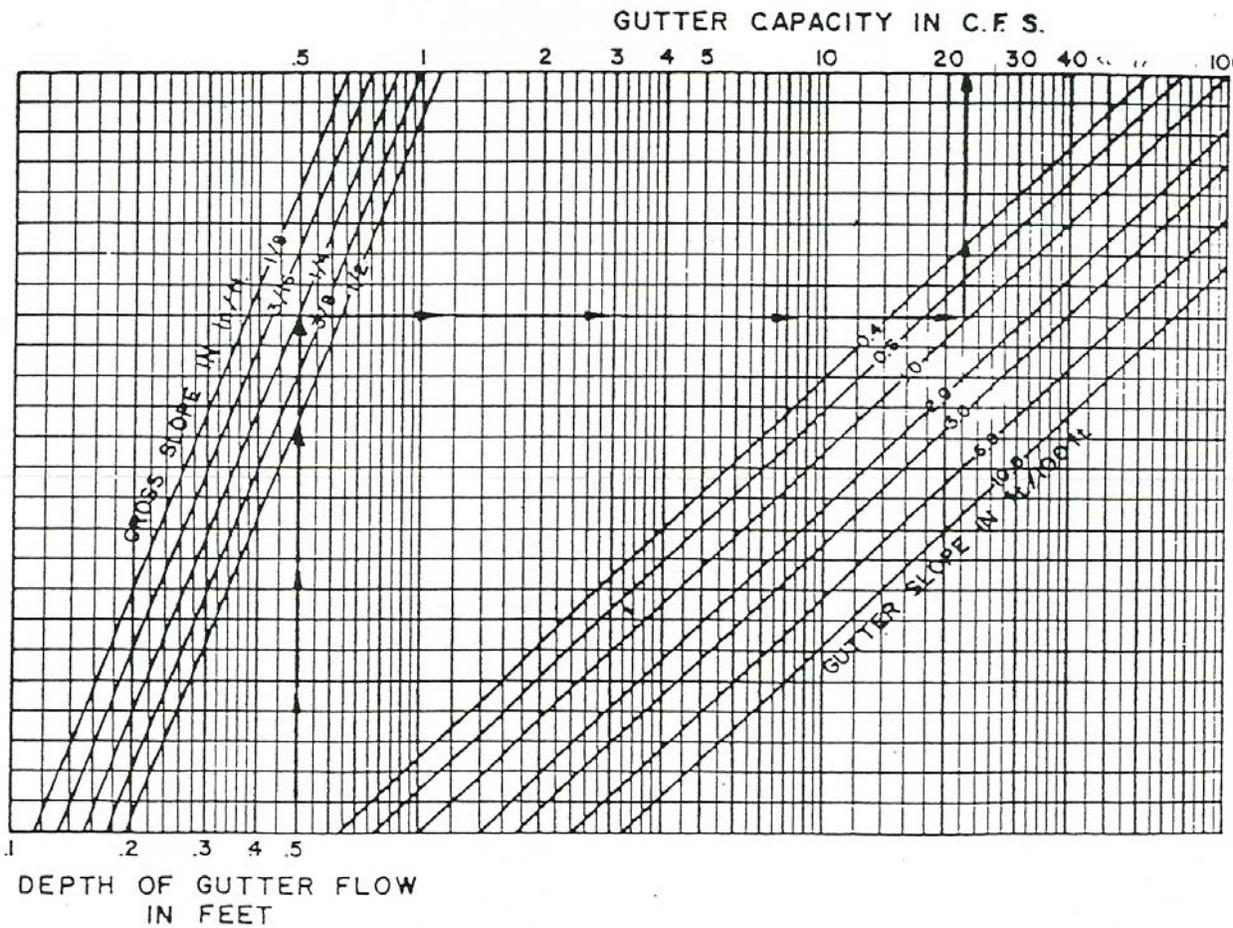
Major Thoroughfare,  
 Pavement Width = 33'  
 Gutter Slope = 1.0%  
 Pavement Cross Slope = 1/4"/1'  
 Depth of Gutter Flow = .5'

**Solution:**

Enter Graph at .5'  
 Intersect Cross Slope = 1/4"/1'  
 Intersect Gutter Slope = 1.0%  
 Read Gutter Capacity = 22 c.f.s.

**Find:**

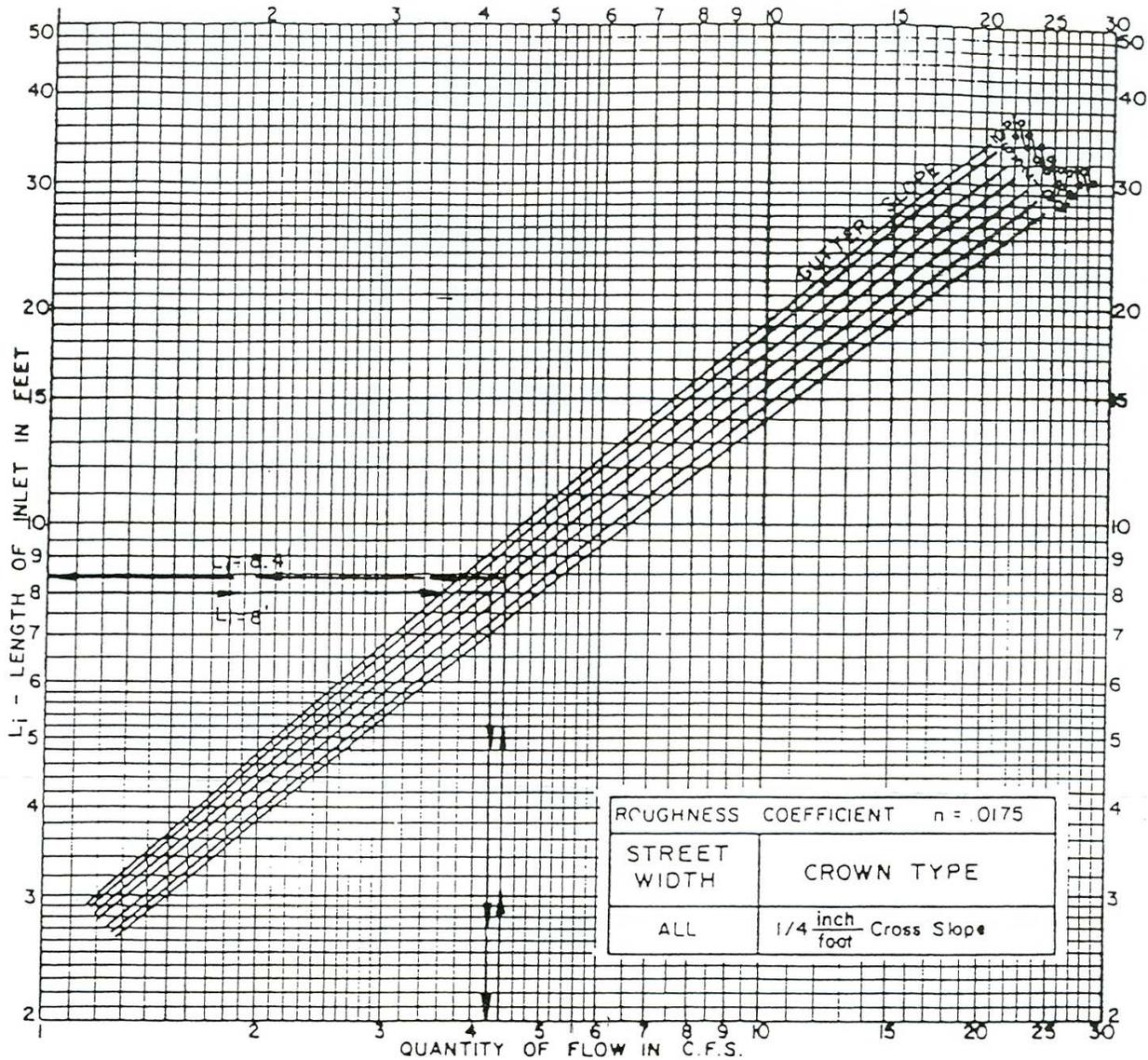
Gutter Capacity



**CAPACITY OF  
 TRIANGULAR GUTTERS**

(Roughness Coefficient  $n = .0175$ )

# Plate No. 4



### EXAMPLE

Known:

- Pavement Width = 24'
- Gutter Slope = 2.0 %
- Pavement Cross Slope = 1/4" / 1'
- Gutter Flow = 4.4 cfs

Find:

Length of Inlet Required ( $L_i$ )

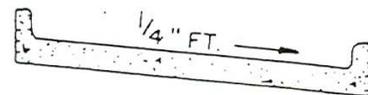
Solution:

- Enter Graph at 4.4 cfs
- Intersect Slope = 2.0 %
- Read  $L_i = 8.4'$

Decision:

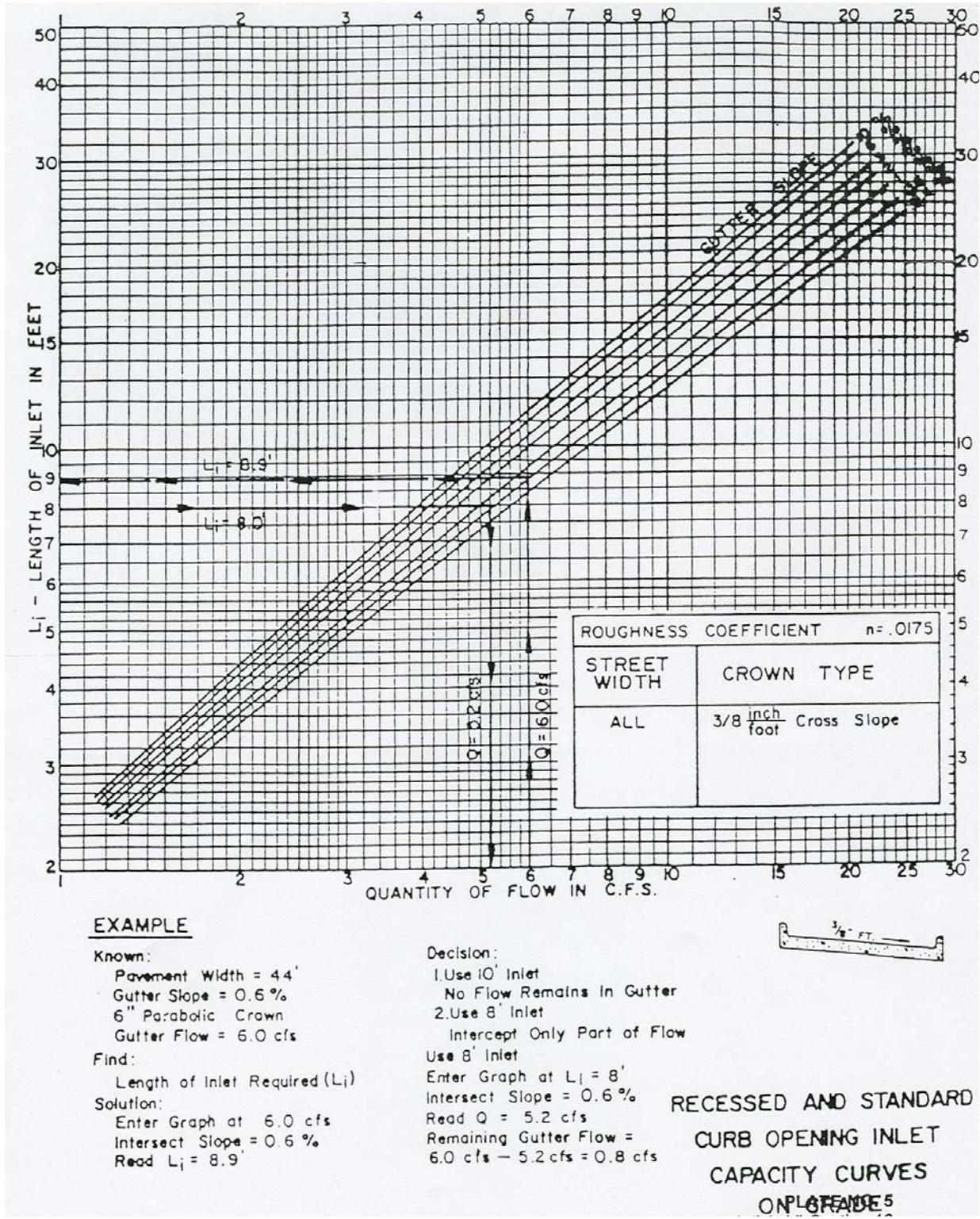
1. Use 10' Inlet  
No Flow Remains in Gutter
  2. Use 8' Inlet  
Intercept Only Part of Flow
- Use 8' Inlet

- Enter Graph at  $L_i = 8'$
- Intersect Slope = 2.0 %
- Read  $Q = 4.2$  cfs
- Remaining Gutter Flow =  
4.4 cfs - 4.2 cfs = 0.2 cfs

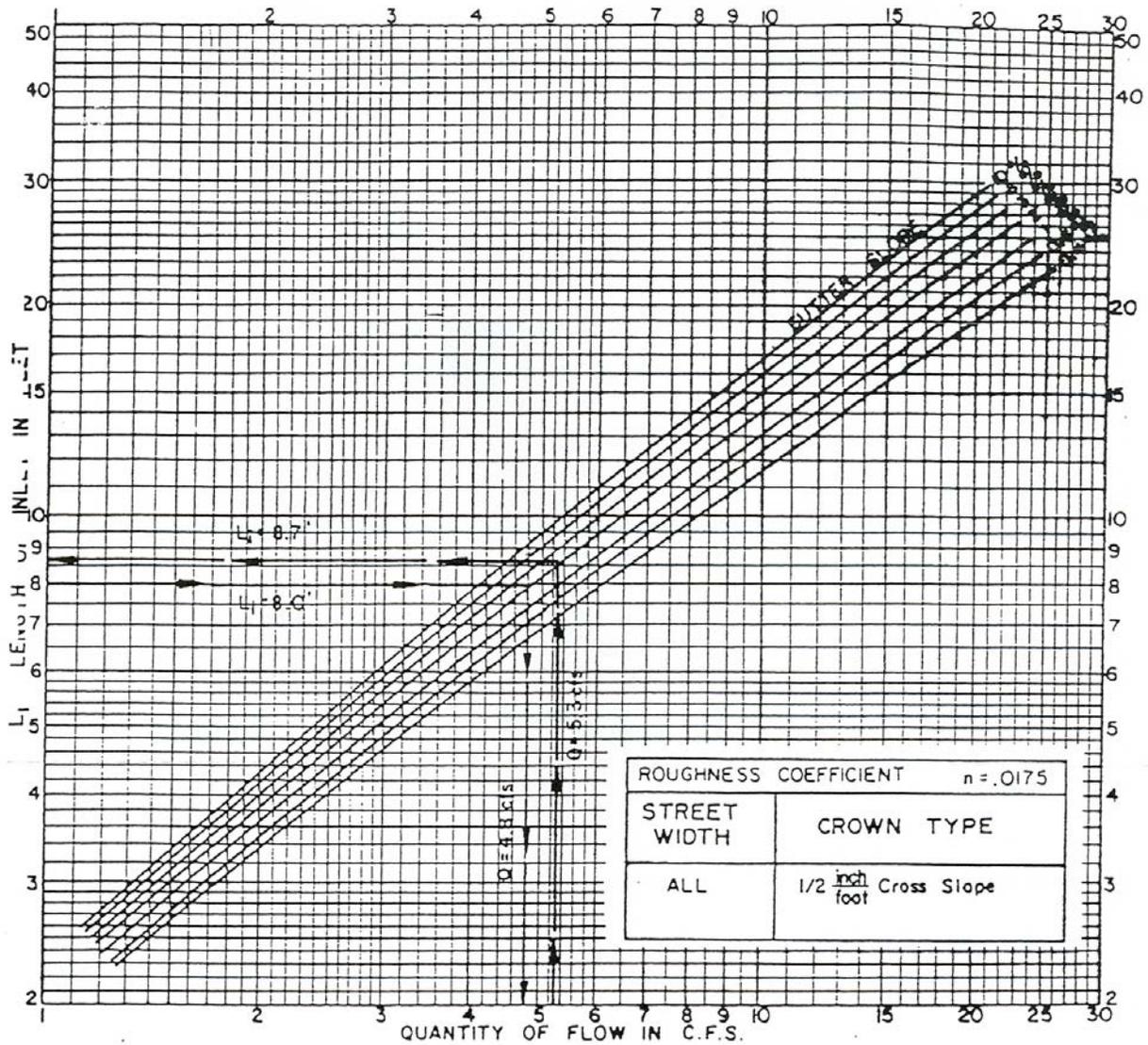


RECESSED AND STANDARD  
CURB OPENING INLET  
CAPACITY CURVES  
ON GRADE

# Plate No. 5



# Plate No. 6



### EXAMPLE

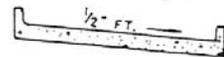
Known:  
 Pavement Width = 36'  
 Gutter Slope = 2%  
 6" Parabolic Crown  
 Gutter Flow = 5.3 cfs

Find:  
 Length of Inlet Required ( $L_i$ )

Solution:  
 Enter Graph at 5.3 cfs  
 Intersect Slope = 2%  
 Read  $L_i = 8.7'$

Decision:  
 1. Use 10' Inlet  
 No Flow Remains in Gutter  
 2. Use 8' Inlet  
 Intercept Only Part of Flow

Use 8' Inlet  
 Enter Graph at  $L_i = 8'$   
 Intersect Slope = 2%  
 Read  $Q = 4.8$  cfs  
 Remaining Gutter Flow =  
 $5.3$  cfs -  $4.8$  cfs =  $0.5$  cfs



RECESSED AND STANDARD  
 CURB OPENING INLET  
 CAPACITY CURVES  
 ON GRADE  
 PLATE NO. 6

# Plate No. 7

**EXAMPLE**

**Known:**

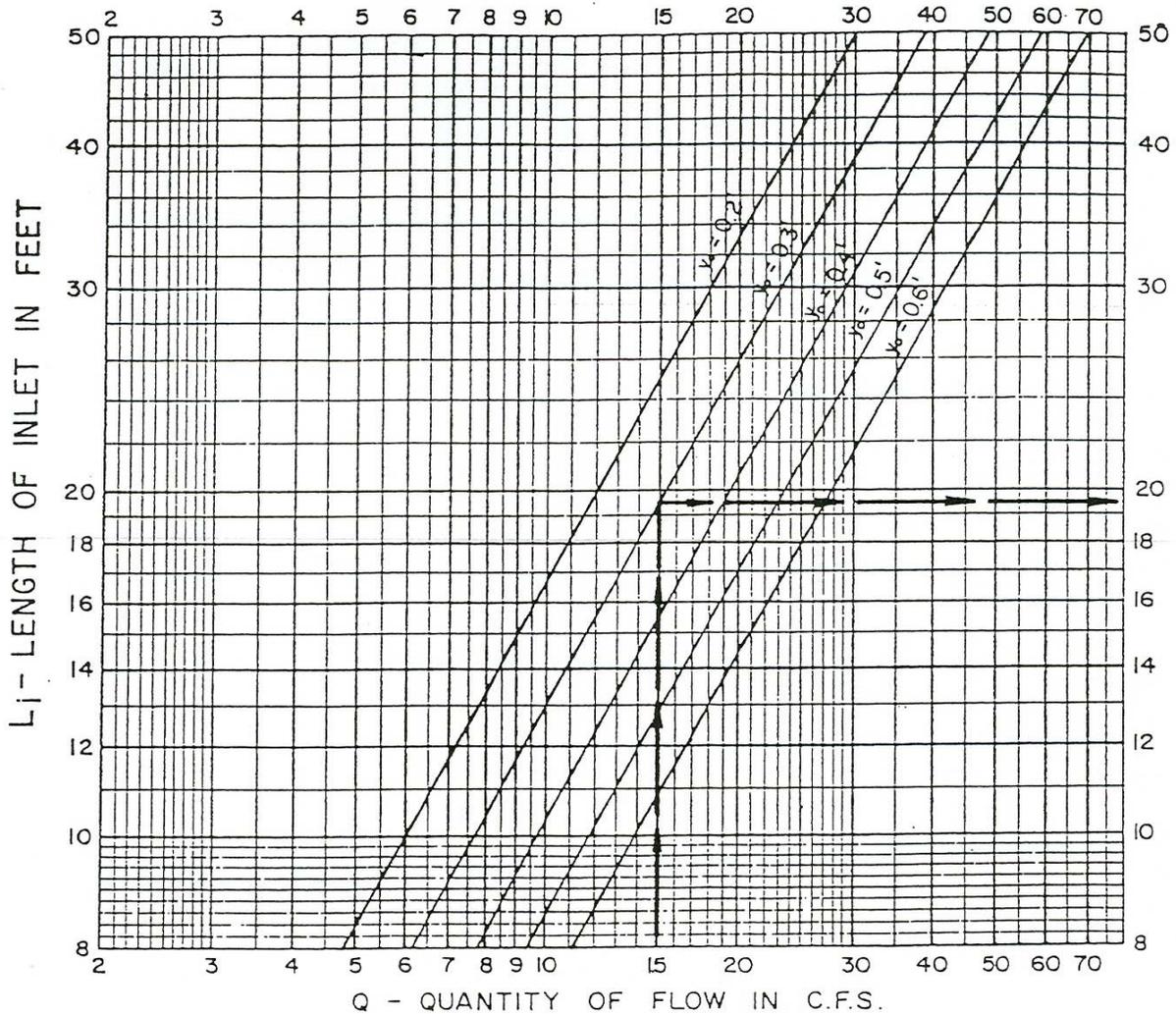
Quantity of Flow = 15.0 c.f.s.  
 Maximum Depth of Flow Desired  
 in Gutter At Low Point ( $y_o$ ) = 0.3'

**Find:**

Length of Inlet Required ( $L_i$ )

**Solution:**

Enter Graph at 15.0 c.f.s.  
 Intersect  $y_o = 0.3'$   
 Read  $L_i = 19.5'$   
 Use 20 Inlet



ROUGHNESS COEFFICIENT $n = .0175$	
STREET WIDTH	CROWN TYPE
ALL	Straight and Parabolic

RECESSED AND STANDARD  
 CURB OPENING INLET  
 CAPACITY CURVES  
 AT LOW POINT  
**PLATE NO. 7**

## **SECTION 6.17      Water System**

1. **General:** All facilities shall be of sufficient size to provide adequate capacity for ultimate development and in accordance with the City's Water Master Plan. Pipelines shall be sized to meet the domestic requirements plus an appropriate allowance for fire protection. The developer shall cause a hydraulic analysis to be performed on the development to ensure that minimum fire flow requirements will be met, **UNLESS THIS REQUIREMENT IS WAIVED BY THE CITY ENGINEER AND THE CITY FIRE CHIEF.** For a residential subdivision, in addition to normal usage, the minimum fire flow requirement is 1,000 gallons per minute at a residual pressure of 20 PSI for a minimum duration of 60 minutes. Non-residential developments shall meet the minimum requirements imposed by the current edition of the Fire Code for the City of Midlothian. The City reserves the right to require larger pipelines than those required for the proposed development. The design criteria for water demand shall be submitted to the City with the plans and specifications.

All facilities shall be of sufficient size to provide adequate capacity for ultimate development and in accordance with the City's Water Master Plan. Pipelines shall be sized to meet the domestic requirements plus an appropriate allowance for fire protection. The City reserves the right to require larger pipelines than those required for the proposed development. The design criteria for water demand shall be submitted to the City with the plans and specifications.

If the proposed subdivision is located beyond the area presently being served by the water distribution system, the developer shall be required to provide the off-site improvements necessary to transport water to the area being developed. Individual water wells for the lots will not be considered an acceptable method of serving the development.

2. **Line Size:** The minimum pipeline size to serve residential areas shall be six (6") inches in diameter and the minimum pipeline size serving commercial, business, industrial, and multi-family shall be eight (8") inches. All water lines shall be looped with no dead ends, unless otherwise approved by City Engineer. Dead end lines shall be provided with a flush valve or fire hydrant at the end. Dead end lines shall not exceed 1000 feet in length without prior approval of the City Engineer. Pipelines shall be sized to provide sufficient supply for fire flows in accordance with the minimum criteria of the State Board of Insurance and other governing authorities.
3. **Pipe Material:** Water pipelines shall be ductile iron (polywrapped), polyvinyl chloride (PVC) C-900, C-905, C-909 or concrete steel cylinder. In general, all water pipelines shall be minimum Class 150. Class 200 shall be used when pressure exceeds 125 psi. Ductile iron pipe shall be a minimum Class 50 with a cement mortar liner. All pipe shall be new and approved by the Underwriters' Laboratory and shall be acceptable to the

4. Texas State Fire Insurance Commission for use in water distribution systems without penalty. PVC water pipe shall also bear the seal representing class of pipe.
4. Fittings: All fittings shall be cast iron or ductile iron (polywrapped) and shall comply with American Water Works Association Standard Specification (AWWA) C110 or AWWA C111. Below grade fittings shall be either mechanical joint, push on joint or flanged joints. Adequate thrust blocking shall be provided at all fittings. Above grade fittings shall be flanged joints. Concrete steel cylinder pipe fittings shall be of the same material as the pipe.
5. Fire Hydrants: All fire hydrants shall be installed with a minimum six (6) inch lead off a minimum six (6) inch main. There shall be a gate valve installed between the main and hydrant. Fire hydrants shall be located between three (3) and five (5) feet back of the curb, or if in a subdivision not requiring curbs, within 3-5 feet of right-of-way abutting property.

All fire hydrants shall be installed with a minimum six (6) inch lead off a minimum six (6) inch main. There shall be a gate valve installed between the main and hydrant. Fire hydrants shall be located between three (3) and five (5) feet back of the curb.

All fire hydrants shall be three way feed with one pumper nozzle of 4.5-inches and two hose nozzles of 2.5-inches (NST threads). The operating nut shall be a 1-1/2 inch pentagonal and shall open by turning to the left/counter clockwise.

Fire hydrants shall be painted to meet the City's requirement for color code. In general, the fire hydrant will have a bright silver base (preferably "flynt aluminum") with differing bonnet and cap color which corresponds to the main size it is located on as shown in the table.

<u>Fire Hydrant Color Code</u>	
<u>Main Size</u>	<u>Color of Bonnet and Cap</u>
Private (all Sizes)	Red
6 inch	Silver
8 inch	Green
12 inch or larger	Blue

6. Gate Valves: All gate valves shall be resilient seat gate valves. All gate valves sixteen (16) inches and larger shall be furnished with by-pass valves. Valves shall open by turning counter clockwise and shall have a 2-inch operating nut.

Gate valves shall be located at intersections to allow the isolation of lines for repairs. Valves shall be placed so that not more than 50 lots will be out of service while a line is shut down for repair. All valves shall be installed in the vertical position with a valve box and cover centered over the stem.

A two (2) foot square and six (6) inches thick concrete pad shall be constructed around the top of the valve box.

7. Testing and Sterilization: All water pipelines shall be hydrostatically tested in accordance with the City's standard specifications. The test shall include service lines, fire hydrants, flush valves, etc. and all testing shall be accomplished in the presence of a representative of the City of Midlothian. The developer shall be responsible for all expenses required to hydrostatically test the pipelines.

All facilities shall be flushed and sterilized. The developer will be required to submit samples to an approved laboratory for certification as being free of bacteria. A sample is required for each 1000 feet of main. The developer shall be responsible for sterilization and reesterilization as necessary and all expenses associated with the sterilization. This shall be performed in the presence of a representative of the City Engineer.

8. Location and Installation: All water mains shall be located under paving five feet from back of curb on the north/east side of the street. Installation shall be at the line and grade as shown on the plans. The mains shall have a minimum of 42-inches of cover in open areas. Water lines under existing streets and proposed streets shall have a minimum cover of 42-inches from the finish grade. Special attention shall be given to water lines in unimproved streets in order to provide for the future grading of those streets.

Water lines shall be embedded and backfilled as required by the City's Standard Construction Details. For trenches located in streets, the backfill shall be compacted to a minimum of 95% Standard Proctor Density. Jetting will not be allowed.

All bends, fittings, etc. shall have 2,000 PSI concrete thrust blocking provided.

## **SECTION 6.18      Sewer System**

1. General: The design and construction of the sewer collection system to serve the development shall be in accordance with good engineering principles, with the Design Criteria for Sewerage Systems as published by the Texas Department of Health (TDH) and with the City of Midlothian's standards. No construction shall commence prior to the approval of the plans and specifications by the City Engineer and the appropriate State Regulatory agency.

All facilities shall be of sufficient size to provide adequate capacity for ultimate development. Sewer lines shall be sized to meet the peak-day dry-weather flow plus an appropriate allowance for inflow/infiltration. The minimum sewer pipeline size shall be six (6") inches in diameter. The City reserves the right to require a pipeline of a larger size than that required by the development. The design criteria and calculations shall be submitted to the City Engineer with the plans and specifications.

If the proposed subdivision is located beyond the drainage area presently being served by the sewage collection system, the developer shall be required to provide the offsite and onsite improvements necessary to transport the sewage from the area being developed. Any lift station, force main and/or gravity sewer pipe improvements required as a result of the proposed development shall be the developer's responsibility. Septic type systems will be considered in accordance with current city ordinances and Ellis County regulations.

2. Pipe Size and Grades: The minimum line size shall be six inches (6") in diameter. Sanitary sewer lines shall be designed to have a minimum mean velocity flowing full of 2.5 feet per second (fps). The minimum slope of the sewer lines shall conform to the minimums recommend by the TDH and maximum velocity shall not exceed 10 fps.
3. Pipe Material: Sanitary sewer pipe shall be polyvinyl chloride pipe (PVC-SDR-35), in accordance with the City's standard specifications.

All pipe shall be new and approved by the Underwriter's Laboratories, Inc. and the PVC pipe shall be colored green and bear the seal representing class of pipe.

4. Manholes: Manholes shall be located at all intersections of sewer pipelines, changes in grade, changes in alignment and at distances not to exceed 500 feet. Manholes shall be constructed of precast reinforced concrete pipe or cast in place concrete. Brick manholes will not be allowed. Where PVC pipe enters manholes, a resilient pipe to manhole connector or gasket shall be used to provide a watertight connection.

All manholes shall have 24-inch standard manhole rings and covers. All covers shall have pick bars and should be stamped "City of Midlothian Sanitary Sewer" per the Standard Construction Details. Watertight rings

and covers shall be furnished in areas located within the 100 year flood plan, or as directed by the City Engineer.

5. Drop Manhole: Drop manholes shall be used at locations where the elevation of the incoming sewer line is 2.0 feet or greater from the elevation of the outgoing line. Construction shall be the same as the standard manhole. The drop piping shall be PVC- SDR 35 pipe..
6. Cleanouts: Cleanouts shall be constructed at the upper end of all sewer mains. Cleanouts shall be constructed of the same material and same size as the sewer main. The top shall have a cast iron boot with cover. A two foot square by 6-inch thick, 2,000 PSI concrete pad shall be placed around this boot.
7. Force Main: Force main materials and installation shall be in accordance with Section 6.15, Water System, and as directed by the City Engineer and a Regulatory Agency (when applicable).
8. Lift Stations: Lift stations shall be designed in accordance with the criteria of the Texas Department of Health. Design data will be submitted and approved on a case-by-case basis by the City Engineer.
9. Testing: All sewer pipe shall have deflection tests performed on them. This test shall be conducted after the final backfill has been in place at least 30 days. No pipe shall exceed a deflection of 5 percent. Test shall be performed using a "go - no go" mandrel.

All sewer lines shall be tested for infiltration/exfiltration. The preferred method of testing the pipe would be by using the "Low-Pressure Air Test" in accordance with City of Midlothian Standard Construction Details. All testing shall be conducted in the presence of a representative of the City Engineer. All expenses for this work shall be the developer's responsibility.

10. Location and Installation: All sewer mains in local streets shall be constructed at the centerline of the street. In collector and arterial streets, the sewer line shall be located a minimum of three (3) feet back of curb or as directed by the City Engineer. Sewer mains shall be constructed to the line and grade as shown on the plans. Horizontal curves shall not be accomplished by mechanical means and shall be achieved by pipe flexure and not joint deflection. The minimum radius for PVC sewer pipe shall be determined using the following Formula:

$$R = 300 \times D$$

Where

R = minimum allowable radius of curvature

D = pipe diameter

(R and D are in same dimensional units)

11. Adequate Sanitary Sewer Capacity
  - a. No subdivision shall be finally approved unless assurances have been provided by the subdivider that the subdivision will be served by adequate collection and treatment facilities for sanitary sewage disposal.
  - b. The capacity of the existing or planned collection mains and treatment facilities to serve the subdivision shall be adequate to accommodate expected sanitary sewage flows generated by the development under engineering design standards specified by the City Engineer, taking into account existing and future connections to the collection mains and treatment facilities to which the lots in the subdivision are to be connected
  
12. Determination of Capacity of Sewer Facilities.
  - a. Carrying capacity determination. The City Engineer, using accepted engineer standards and practices, shall determine the carrying capacity of each sanitary sewer line operated by or in behalf of the City. Capacities shall be determined for each segment of a sewer collection line, and each collection facility appurtenant to such line, such as a lift station that potentially and separately limits the potential of a segment of the collection facility of which it is a part.
  - b. Reserved capacity. The City Engineer, using accepted engineer standards and practices, shall determine the initial reserved capacity of each facility for which carrying capacity has been determined in section a. Reserved capacity for a given facility shall be determined initially by estimating the consumption of capacity attributable to existing connections and future connections attributable to development of lots in approved final plats. The City Engineer shall regularly update reserved capacity based upon approval of developments, as provided in section d.
  - c. Potential consumption of capacity. The City Engineer, using accepted engineer standards and practices, shall determine the initial potential consumption of capacity of each facility for which carrying capacity has been determined in subsection a. Potential consumption of capacity for such facility shall be determined initially by adding to the reserved capacity of the facility the estimated additional consumption of capacity attributable to development of lots in approved preliminary plats for which no final plat has been approved. The City Engineer shall regularly update potential consumption of capacity based upon approval of developments, as provided in subsection d.
  - d. Capacity update. The City Planning Director shall convey information to the City Engineer concerning the land uses and number of lots for each proposed or approved final and preliminary plat. The City Engineer shall regularly update his

estimates of reserved capacity and potential consumption of capacity utilizing such information.

- e. Overcapacity determination. If the City Engineer upon his initial determination of carrying capacity, reserved capacity and potential consumption of capacity finds that one or more sanitary sewer mains has reached potential overcapacity, or actual overcapacity or 85% of carrying capacity, as described in subsections 15 and 16, he shall report such fact to the City Manager, who shall institute public notification. Thereafter, the procedures in subsections 15 or 16, as the case may be, shall govern the review of subdivision plats.

13. Reservation of Capacity.

- a. Reserved status. Except as provided in this section, approval of a final plat by the City Planning and Zoning Commission constitutes the City's determination that capacity in the sewer lines serving the subdivision is reserved, so that each lot subject to the final plat may be connected to the City's sewer lines; provided, however, that impact fees shall be paid at the time of such final plat approval pursuant to subsection d. Each lot in a final plat which has been approved for connection to a sewer facility with remaining capacity by the Commission shall be deemed to have reserved status in the City's sewer facilities serving the lot. Each lot within a final plat that was approved prior to the effective date of this section shall be deemed to have reserved status.
- b. Designation of status. In the event a final plat application proposes development that, if connected to the City's sewer lines, would result in the overcapacity of such facility or facilities, the Commission's approval of the final plat shall be subject to a notation that capacity in affected sewer facilities is not reserved for all or a portion of the lots in the plat. In such event, a plat note shall be attached indicating which lots subject to the final plat do not have reserved status. Such lots shall be deemed to have non-reserved status.
- c. Connections prohibited. In no event shall any lot or land use be connected to a sewer line that is overcapacity, nor shall connection be made to any lot that is subject to a plat note or other designation of non-reserved status, unless unreserved capacity remains in the line or lines to which connection is proposed.
- d. Payment of impact fees. No lot finally platted after the effective date of this ordinance shall acquire reserved status nor shall any finally platted lot be connected to the affected sewer facility until impact fees have been paid for such lot.

An owner seeking reserved status for a proposed subdivision after the effective date of this ordinance shall execute an agreement for payment of impact fees at the time of final plat approval.

14. Capacity Documentation.

- a. Factors for calculation. In calculating the carrying capacity, potential overcapacity or overcapacity of a sewer facility, the City Engineer shall take into account (1) the size and slope of gravity mains, (2) the size of force mains, (3) the pump capacity and (4) the size of wet wells.
- b. Identification of facilities and area affected. In making any determination concerning the capacity or overcapacity of a sewer facility, the City Engineer shall identify with particularity the line, line segment or facility affected, and shall outline the property potentially served by such facility.
- c. Conventions. In making a declaration of potential overcapacity or overcapacity of a sewer line or transmission facility, the City Engineer may establish reasonable thresholds below the carrying capacity of the facility in order to avoid partial designation of lots in proposed subdivisions for reserved status.

15. Declaration of Potential Overcapacity.

- a. Potential overcapacity determination. Upon determining that any sewer facility is at or beyond carrying capacity, based upon the potential consumption of capacity of such facility, either upon initial determination of potential consumption or following an update, and after documenting his finding in the manner provided in subsection 14, the City Engineer shall inform the City Manager and the Planning Director of such determination.
- b. Public notice. The City Manager shall cause to be published notice of such potential overcapacity in a newspaper of general circulation. The notice shall describe the sewer line(s), line segment(s) or other facilities affected by the determination.
- c. Preliminary plat procedures. Following publication of notice of potential overcapacity, every preliminary plat thereafter approved shall be subject to a condition that a potential overcapacity in one or more sewer lines has been reached, and that the City cannot assure that final plat approval will result in reserved status for the lots in the subdivision.
- d. Potential overcapacity for part of subdivision. Where a proposed preliminary plat would result in a potential overcapacity for one or more sewer facilities, the plat shall be subject to a condition that a potential overcapacity in one

or more sewer lines has been reached for a portion of the lots proposed in the plat, and that the City cannot assure that final plat approval for such lots will result in reserved status for all lots in the subdivision.

16. Overcapacity Declaration.

- a. Overcapacity determination. Upon determining that any sewer facility is at or beyond carrying capacity or at 85% of carrying capacity, based upon estimates of reserved capacity for such facility, either upon initial determination of reserved capacity or following an update, and after documenting his finding in the manner provided in subsection 14, the City Engineer shall inform the City Manager and the Planning Director of such determination.
- b. Public notice. The City Manager shall cause to be published notice of such overcapacity in a newspaper of general circulation. The notice shall describe the sewer line(s), line segment(s) or facilities affected by the determination of overcapacity. The notice also may announce a public hearing in the manner provided in subsection 17.
- c. Final plat procedures. Following publication of notice of overcapacity, or, in the event a moratorium is adopted as provided in subsection 17, every final plat thereafter approved shall be subject to a designation of non-reserved status for the lots contained in the plat that are to be served by the facility that is overcapacity, subject to appeal as provided in subsection f. Lots bearing such designation shall not be connected to any sewer facility that is overcapacity.
- d. Partial overcapacity. Where a proposed final plat would result in overcapacity for one or more sewer facilities, a portion of the lots subject to the final plat shall be designated for reserved status upon plat approval and the portion of the lots that cannot be adequately served shall be designated for non-reserved status. Lots in the final plat bearing a non-reserved designation shall not be connected to any sewer facility that is overcapacity.
- e. Queuing of plats for reserved status. Following publication of notice of overcapacity, or as authorized following adoption of a moratorium pursuant to subsection 17, approved final plats shall qualify for reserved status in the event capacity is added or prior reserved capacity is released, according to the order in which the final plats have been approved, provided that wastewater impact fees for the development shall be paid at the time the final plat is approved.

17. Public Hearing and Ordinance.

- a. Effective date. This section of the ordinance takes effect on September 1, 2001.
- b. Public notice. Whenever the City Engineer determines that a sewer facility has reached 85% of its carrying capacity based on the reserved status of finally platted lots, he shall inform the City Manager, who shall cause to be published notice of public hearings to consider adoption of a moratorium arising from a shortage of sewer facilities. The notice shall be published in a newspaper of general circulation in the City on the fourth day before the first public hearing. The notice shall identify the time and place of a public hearing before the Planning and Zoning Commission and a public hearing before the City Council concerning the moratorium.
- c. Temporary suspension of permits. On the fifth business day after the date of publication of the notice of public hearings on the moratorium, no application for final plat approval shall be further processed or approved nor shall any building permit be further processed or issued for construction of any structure on a lot that does not have reserved status on such date, nor shall any connection to an affected sewer facility be made to such lot. The temporary suspension on processing and approval of final plat applications and building permits expires if the City Council does not enact an ordinance imposing such suspension within the time period prescribed in subsection e.
- d. Public hearings. The Planning and Zoning Commission shall conduct the initial public hearing and shall make its recommendation to the City Council concerning adoption of a moratorium. The City Council shall conduct a second public hearing to consider the adoption of a moratorium ordinance.
- e. Moratorium ordinance. Based upon public testimony, the recommendation of the City Engineer and the recommendation of the Commission, the Council shall determine whether to adopt an ordinance suspending the processing or issuance of building permits for lots without reserved status pending addition of capacity to the affected sewer facilities. The ordinance shall be adopted by the City Council on two readings within twelve (12) days of the public hearing conducted by the Commission. The readings of the ordinance shall be separated by at least four (4) days. The ordinance shall incorporate the findings mandated by subsection f. The ordinance also shall expressly provide

whether and the extent to which final plat applications may be approved during the pendency of the moratorium.

- f. Findings required. The City Engineer shall prepare a report to the Commission and the City Council that identifies each sewer facility that has reached the threshold specified in subsection a. For each such facility, the report shall document the carrying capacity of the facility, the number of and consumption of capacity attributable to the actual connections utilizing the facility, the reserved capacity of the facility, the potential overcapacity of the facility, the amount of impact fee revenues collected that are earmarked for construction of improvements that add capacity to the facility, the capacity of any improvements which a subdivider has agreed to construct, and the time period necessary to alleviate the overcapacity of the facility. Such evidence, as may be modified based upon evidence obtained at the public hearings, shall be incorporated as the Council's findings of fact within any ordinance suspending the processing or issuance of building permits under subsection e.
- g. Duration of moratorium ordinance. A moratorium ordinance adopted pursuant to this section expires on the 120<sup>th</sup> day following the date of adoption, unless the Council extends the moratorium utilizing the procedures in subsection h.
- h. Extension procedures. The Council may extend a moratorium suspending the processing and approval of final plat applications or building permits arising out of a shortage of sewer facilities by publishing a notice of a public hearing on such proposed extension in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the public hearing and at least twenty (20) days before the expiration of the moratorium. The City Council shall conduct the public hearing on the proposed moratorium extension. If the Council determines that the moratorium should be extended in whole or in part, it shall adopt an ordinance that incorporates written findings identifying the problem requiring the need for the extension, describing the progress made to alleviate the problem and specifying a definite duration for the extension of the moratorium. The extension ordinance shall identify any sewer facilities which are to be released from the moratorium based on addition of capacity and shall provide for complete or partial release in during the pendency of the moratorium.
- i. Relief procedures.
  - (1) An applicant for approval of a final plat or a building permit affected by the moratorium may request a

- waiver from the moratorium from the City Council by submitting a written petition claiming that he has a vested right to the plat or permit under Tex. Loc. Govt. Code ch. 245 or at common law, or pursuant to a right acquired under an approved development agreement. The Council shall act upon the waiver request within ten (10) days after receiving the written request.
- 2) The Council shall release an applicant from the moratorium who proposes to build capital improvements that add capacity to the affected facility, upon construction and acceptance of such improvements, in the manner provided in subsection 19.a.

18. Release of Capacity Reservations.

- a. Termination of reserved status. Finally platted lots having reserved status shall retain such status for a period of three years following the date of final plat approval, after which reserved status shall terminate, unless extended by the City Manager or the City Manger's designee for good cause upon written request of the lot owner, which extension shall not exceed ninety (90) days in duration. If a building permit has been issued for any lot prior to the expiration of reserved status and remains in effect on the date such status would otherwise terminate, but connection has not yet been made to sewer lines serving the property, reserved status shall be extended automatically until the building permit expires. The date on which reserved status terminates for any lot shall be considered the date on which lots that have applied for reserved status pursuant to subsection 16.e may qualify.
- b. Release of capacity. Upon termination of reserved status for lots subject to an approved final plat, the capacity formerly reserved shall be released for use by lots that have applied for reserved status pursuant to subsection 16.e, in the order in which such final plats were approved. The City shall notify the owners of finally platted lots who have applied for reserved status and who can be served by the released capacity that they have attained reserved status. Upon such notification, such lots shall be deemed released from any applicable moratorium.
- c. Termination of attained reserved status. Reserved status for finally platted lots that have been attained as a result of the release or addition of capacity shall terminate three years from the date it was attained. The date on which attained reserved status terminates shall be considered the date by which such lots qualify for reserved status pursuant to subsection 16.e.

19. Declaration of Capacity

- a. Determination of added capacity. Upon addition of capacity to a sewer facility resulting from improvements to the facility, the City Engineer shall determine the new carrying capacity of the facility, the extent to which finally platted lots on non-reserved status can be accommodated by the additional capacity, and whether a potential overcapacity still exists. If the improved facility can adequately provide service to all finally platted lots, the City Engineer shall declare that the overcapacity has been cured and report such fact to the City Manager. If the added capacity cannot serve all finally platted lots on non-reserved status, the City shall notify the owners of finally platted lots who can be served by the added capacity that they have attained reserved status in the manner provided in subsection b. The addition of capacity to a sewer facility subject to a moratorium imposed under subsection 17 may result in termination of the moratorium, in accordance with the provisions of the ordinance establishing the moratorium.
- b. Public notice. In the event the City Engineer makes a declaration of added capacity, the City Manager shall cause notice to be published in a newspaper of general circulation. The notice shall describe the sewer line(s), line segment(s) or other facilities affected by the determination of capacity, and whether a potential overcapacity still exists. Notice also shall be sent to any owner of a finally platted lot on non-reserved status who has requested notification in the event that capacity becomes available.
- c. Developer-constructed improvements. If, following a declaration of overcapacity pursuant to subsection 16, the owner of a finally platted subdivision agrees to construct improvements that add capacity to a sewer facility serving the property, such additional capacity shall be reserved for the subdivision notwithstanding the fact that other final plats have been approved prior to the final plat for which capacity is being added. Any capacity in excess of that needed to serve the lots in the subdivision shall be released for use in accordance with this section and allocated in the manner provided in subsection 16.e. Construction of sewer improvements shall be in accordance with all City design standards, including over sizing for and extension of facilities shown on the City's approved master plans.
- d. Development using temporary facilities. Following a declaration of overcapacity pursuant to subsection 16, the owner of land that would be otherwise be served by the overcapacity facilities may temporarily utilize an on-site

sewage disposal system. The temporary on-site sewage disposal system must meet all applicable codes and regulations for a permanent on-site sewage disposal system. Notwithstanding the requirements of Section 14-47 of the City Code of Ordinances, a temporary system authorized by this subsection may be permitted without the necessity of obtaining a waiver of connection requirements. An owner must comply with the annexation requirements of Section 14-47, Subchapter C. A temporary on-site sewage disposal system may be utilized for the duration of the period during which an overcapacity exists. Upon a declaration of capacity for the facilities to serve the property, the owner must cease utilizing the temporary on-site sewage disposal system and must comply with Section 14-47, within twelve months of the date of declaration unless otherwise allowed by the City. An owner who proposes to utilize a temporary on-site sewage disposal system must provide assurance that the lot or lots served by the system may be connected to the City's sanitary sewer system. At the City's option, such assurance based on current costs may be made by: (1) the owner installing sanitary sewer lines in accordance with applicable codes and regulations, for connection to the City's sanitary sewer system; or (2) the owner providing financial security, by cash escrow, bond, or other instrument acceptable to the City Attorney for the installation of sanitary sewer lines for connection to the City's sanitary sewer system.

- e. Plat notation removal. The owner of a final plat that it is subject to a plat note designating all or a portion of the lots within the subdivision for non-reserved status may remove such notation through replat procedures set forth in section 4.17.

**SECTION 6.19      Utility Services**

1. All services for utilities shall be made available for each lot in such manner so as to eliminate the necessity for disturbing the street pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
2. Water service lines shall be a minimum of 1 inch Type "K" copper, and shall be provided with a corporation at the main and a curb stop located at least two (2) feet outside of curb with cover not to exceed 1-1/2 feet.
3. Sanitary sewer service lines shall be a minimum of 4-inch, shall meet the same requirements for sanitary sewers described above, shall be constructed from the main to the lot property line using ways and necessary bends, and shall have a minimum cover at the property line of four (4) feet, where possible.
4. Sewer services shall be located five (5) feet downstream from the center of each lot and as approved by the City Engineer.
5. Sewer services shall have a cleanout located at the property line and a 2'x2'x6" reinforced concrete pad which shall be poured around the cleanout. Provisions shall be made to connect the house sewer without disturbing the cleanout.
6. The subdivider shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.

# **ARTICLE VII**

## **ENFORCEMENT**

**ARTICLE VII**  
**ENFORCEMENT**

**SECTION 7.11      Appeal**

Any subdivider contesting any disapproval and/or the interpretation and/or the application of any rule, standard, regulation, determination, requirement or necessity set forth in these Regulations, shall with the exception of Final Plats, Replats, Amended Plats, Minor Plats or Variance have the right, after filing a written request with the City Council as set forth in these Regulations within seven (7) days of the disapproval and/or interpretation, to have a hearing thereon before said body within twenty-four (24) days after the date of filing of such request. Decision of said body shall be final, and such further appeal shall be in accordance with appropriate law.

**SECTION 7.12      Penalty**

1. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the corporate limits of Midlothian shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed three hundred (\$300.00) dollars, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.
  
2. The City shall have the right to institute an action in the District Court to enjoin the violation or threatened violation of any provision of such ordinance in the extraterritorial jurisdiction.

**SECTION 7.13      Special Exceptions**

Upon application of a property owner, either concurrently with the application for a Final Plat or prior to development of a lot after approval of a Final Plat, and following review and recommendation made by the Planning and Zoning Commission, the City Council may grant a special exception to these Regulations, when, in the opinion of the City Council, undue hardship will result from requiring strict compliance with these Subdivision Regulations. In granting a special exception, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No special exception shall be granted unless the City Council finds that:

- a. There are special circumstances affecting the land involved such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of the land if the Special Exception is not granted; and
  
- b. That the special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

- c. The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- d. The granting of the special exception will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the adopted Comprehensive Master Plan and the provisions of these Regulations; and
- e. The Special Exception will not result in a modification to any zoning regulations set forth in the City of Midlothian Zoning Ordinance, as amended.

The above findings by the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such special exception is granted or denied. Special exceptions may be granted only when in harmony with the general purpose and intent of the adopted Comprehensive Master Plan and these Regulations so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. The decision of the City Council to grant, deny, or grant with modifications any Special Exception shall be final.

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**APPENDIX A**

**APPLICATIONS**

**AND**

**CHECKLISTS**

**Planning Department**

100 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**CITY OF MIDLOTHIAN**

**APPLICATION FOR ZONING BOARD OF ADJUSTMENT VARIANCE**

**APPLICATION TYPE: \*\*EACH APPLICATION TYPE IS A SEPARATE FEE\*\***

**Zoning Ordinance Variance**  
\_\_\_\_\_  
Zoning Ordinance Section

**Special Exception Use**  
\_\_\_\_\_  
Zoning Ordinance Section

**Appeal of Administrative Decision**  
\_\_\_\_\_  
Zoning Ordinance Section

**Reason for Request:** \_\_\_\_\_  
\_\_\_\_\_

**DEVELOPMENT INFORMATION:**

Gross Acres: \_\_\_\_\_ Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_  
Subdivision: In the \_\_\_\_\_ Survey, Abstract \_\_\_\_\_  
In the \_\_\_\_\_ Survey, Abstract \_\_\_\_\_

**APPLICANT/ OWNER INFORMATION:**

Main Contact: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Daytime #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
Main Contact Status: (check one)  Owner  Representative/ Agent E-Mail: \_\_\_\_\_

***If the property owner is represented by an authorized agent, a notarized letter of authorization must be submitted.***

Property Owner: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name) (City, State) (Zip Code)  
Daytime #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Agent/ Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

CASE NAME: \_\_\_\_\_  
CASE NO: \_\_\_\_\_  
PROPERTY LOCATED IN **ETJ / CITY LIMITS** FEE AMOUNT: \_\_\_\_\_

**ZBA REQUIREMENTS**

**Variance Criteria**

- Accurate boundary survey & property description (metes & bounds) with tract boundary lines indicated by heavy lines
- Locations, dimensions & purposes of any easements or other rights-of-way & all building lines.
- A copy of all deed restrictions that are filed with the Ellis County Clerks Office that pertains to the property in question.

**SUBMITTAL REQUIREMENTS:**

1. Completed application with all signatures required.
2. Application Fee. (Refer to "Fee Schedule")
3. One (1) photo reduction (8½" x 11") and (11"x17").
4. Conceptual site plan required if use is non-Single Family, if applicable.
5. A letter of explanation of the request.

**FEE SCHEDULE**

Application Fee Amount

Zoning Ordinance Variance	\$200.00
Appeal of Admin. Decision	\$200.00
Special Exception Use	\$200.00

**Planning Department**

101 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**CITY OF MIDLOTHIAN**

**APPLICATION FOR SPECIFIC USE PERMIT**

**DEVELOPMENT INFORMATION**

Subdivision Name: \_\_\_\_\_  
Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Gross Acres: \_\_\_\_\_ Current Zoning: \_\_\_\_\_  
Location Address: \_\_\_\_\_  
Purpose of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION**  
\*\*Attach additional contacts to the application\*\*

Applicant Name: \_\_\_\_\_ **Applicant Status:** (check one)  
 Owner  Representative  
Company Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Phone #1: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
Phone #2: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_  
***If the property owner is represented by another, a notarized letter of authorization must be submitted.***  
Property Owner: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Phone #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
**\*Representative's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**\*Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

1. Complete application with **all signatures required.**
  2. Application fee of \$300.00 + \$10.00 per acre.
  3. Ten (1) 11"x17" copies of survey or plat.
  4. Metes and Bounds legal description of subject property.
  5. Conceptual plan rendering and/or other supporting plans and documents required.
  6. Digital PDF, DWF & DWG of **all drawing documents** on a CD only. (No e-mails, memory sticks or floppy disks will be accepted.)
  7. Letter of explanation for requested Specific Use Permit.
- \*\*ADDITIONAL REQUIREMENTS MAY BE NEEDED UPON REVIEW\*\***

**OFFICE USE**

CASE NO: \_\_\_\_\_  
FEE AMOUNT: \$ \_\_\_\_\_

**Building Inspections Dept.**

101 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**CITY OF MIDLOTHIAN  
APPLICATION FOR TEMPORARY  
SPECIAL EVENTS PERMIT**

**APPLICATION TYPE:**

**\*\*APPLICATION MUST BE SUBMITTED ONE (1) MONTH PRIOR TO THE EVENT\*\***

- Carnival**       **Circus**       **Festival**       **Parade**       **Tent**
- Other (State request) :** \_\_\_\_\_

**CONTACT INFORMATION**  
\*\*Attach additional contacts to the application\*\*

Application Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone #: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

Address Location for Event: \_\_\_\_\_

Proposed Use of Building Space or Property: \_\_\_\_\_

Dates/Time of Event: \_\_\_\_\_  
*(Event cannot last more than 14 days)*

Will there be use of animals at this event:  Yes  No Type: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)

Phone #: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

**\*Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\*Property Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

1. Completed application with all signatures required.
2. Application Fee of \$25.00. *(Checks payable to the "City of Midlothian")*
3. Map of event area. *(Show requested street closures, if any)*
4. Proof of Insurance.
5. Letter of explanation for the requested event.
6. If any food is being served at the event, a Temporary Food Establishment Permit **must** be completed for each vendor. *(Applications can be obtained at the Community Services Department)*

**OFFICE USE**

Planning Dept. Case No.: \_\_\_\_\_

Building Inspections Permit No.: \_\_\_\_\_

**Planning Department**

101 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**CITY OF MIDLOTHIAN  
APPLICATION FOR SITE PLAN REVIEW**

**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**DEVELOPMENT  
INFORMATION**

Subdivision Name: \_\_\_\_\_  
Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Gross Acres: \_\_\_\_\_ Current Zoning: \_\_\_\_\_  
Location Address: \_\_\_\_\_  
Current Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION**  
\*\*Attach additional contacts to the application\*\*

Applicant Name: \_\_\_\_\_ **Applicant Status: (check one)**  
 Owner  Representative  
Company Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Phone #1: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
Phone #2: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_  
***If the property owner is represented by another, a notarized letter of authorization must be submitted.***  
Property Owner: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Phone #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
**\*Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_**  
**\*Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

**ENGINEER  
INFORMATION**

Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)  
Daytime #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**OFFICE**

CASE NO: \_\_\_\_\_  
PROPERTY LOCATED IN THE **ETJ / CITY LIMITS**  
FEE AMOUNT: \$ \_\_\_\_\_

CONTINUED ON BACK

**SUBMITTAL  
REQUIREMENTS**

1. Completed application with **all signatures required.**
2. Application Fee. (\$300 + \$5.00 per 1,000 s.f. > 20,000 s.f.)
3. One (1) full size set of site plan and landscaping plan
4. Digital PDF, DWG & DWF of **all drawing documents** on a CD only. (*Submit each drawing on its own layout*)
5. Any amendments to the approved construction plans will require a re-submittal and approval by the City Engineer. (***For more details, contact the Engineering Dept. @ (972) 775-7199.***)  
**\*\*ADDITIONAL REQUIREMENTS MAY BE NEEDED UPON REVIEW\*\***

**SITE PLAN CHECKLIST**

***\*\* Additional Requirements May be needed upon review\*\****

- The location, dimension and calculation of floor area of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 200 feet.
- A detailed landscape and irrigation plan with a chart showing quantities of impervious surface, open space and plant materials provided and quantities required by the Zoning Ordinance's Landscape Regulations.
- The location and width of all driveways with distance measurements to the nearest street intersections and other drives adjacent to the site or opposite of the site on perimeter streets.
- Off-street parking and loading facilities, with a chart showing the quantities provided and the quantities required by the Zoning Ordinance.
- Proposed uses must be listed.
- Street names on proposed streets.
- Utility and drainage easements for dedicated infrastructures if required.
- Such additional data requested by the Development Review Committee in order to perform a reasonably thorough review within the best standards of practice of Urban Planning and Civil Engineering.
- Location and dimension of all signs, fences and lighting standards.
- A Traffic Impact Analysis (TIA) will be required on a case by case basis.
- A preliminary utility plan may be required by the City Engineer.

**Planning Department**

101 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**APPLICATION TO VACATE  
CITY OF MIDLOTHIAN RIGHT-OF-WAY**

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDLOTHIAN:

The undersigned hereby makes application for the vacation and abandonment of the right-of-way, particularly described in Exhibit "A" attached hereto. In support of this application, the undersigned represent and warrant the following:

1. The undersigned will hold the City of Midlothian harmless, and indemnify against all suits, costs, expenses, and damages that may arise or grow out of such vacation and abandonment.
2. Attached, marked Exhibit "B", is a plat or sketch of the said portion of the right-of-way sought to be vacated and the surrounding area to the nearest streets in all directions, showing the abutting lots and blocks, and the addition in which the above described portion of such right-of-way is situated, together with the record owners of such lots.
3. Attached, marked Exhibit "C" is the consent of right-of-way to such vacations.
4. Attached, marked Exhibit "D" is the consent to such vacation of all the abutting property owner(s), except the following:

(If none, so state)

A) Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Why consent not obtained: \_\_\_\_\_

B) Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Why consent not obtained: \_\_\_\_\_

5. Such right-of-way should be vacated because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Such right-of-way has been and is being used as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Company: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be credible person and one of the signers of the foregoing application, and who, after being by me duly sworn, did upon his oath, state the information contained in such application is true and correct to the best of his/her knowledge and belief.

\_\_\_\_\_  
Notary Public

**EXHIBIT “A”**

(METES AND BOUNDS DESCRIPTION OF THE ALLEY TO BE ABANDONED)

## **EXHIBIT “B”**

The following is a plat or sketch of the right-of-way to be vacated in the above named application showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the right-of-way sought to be vacated is situated, and the addition or additions in which the portion of the utility easement sought to be vacated is situated. Also, the names or record owners of the abutting lots are shown.

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**CITY OF MIDLOTHIAN**  
104 West Avenue E  
Midlothian, TX 76065

Contact Person – Mike Adams  
Director of Engineering  
(972) 775-7199 - Phone  
(972) 775-7171 – Fax  
mike.adams@midlothian.tx.us

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**CITY OF MIDLOTHIAN**  
1050 N. Hwy 67 Service Road  
Midlothian, TX 76065

Contact Person – Adam Mergener  
Director of Public Works  
(972) 775-1083 - Phone  
(972) 775-7943 – Fax  
adam.mergener@midlothian.tx.us

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**HILCO ELECTRIC**  
PO Box 127  
Itasca, TX 76055

Contact Person – Randy Cox  
(800) 338-6425 - Phone  
(254) 687-2231 – Fax  
rcox@hilco.coop

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**SARDIS LONE ELM**  
6681 W. Highland Road  
Midlothian, TX 76065

Contact Person – Paul Tischler  
(972) 775-8566 - Phone  
(972) 775-3114 – Fax  
slews@aircanopy.net

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**AT&T**  
2513 W.E. Roberts Street Floor 2  
Grand Prairie, TX 75051

Contact Person – Bonnie Tholen  
(972) 660-7893 – Phone  
(972) 660-7870 – Fax  
bt0176@att.com

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

**STATE OF TEXAS**

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**CHARTER COMMUNICATIONS**

Attn: Franchising Administration  
15100 Trinity Blvd., Suite 500  
Ft. Worth, TX 76155

Contact Person – Brett Bascom  
(817) 222-9377 - Phone  
(817) 358-7507 – Fax  
brett.bascom@chartercom.com

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**TXU Electric Delivery**  
2801 John Arden Drive  
Waxahachie, TX 75165

Contact Person – Justin Lowes  
(972) 923-4545 – Phone  
(972) 923-4216 – Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled to use, under the terms and provisions of our respective franchises with the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas

**MOUTAIN PEAK WATER SUPPLY**  
5671 Waterworks Road  
Midlothian, TX 76065

Contact Person - Randy Kirk  
(972) 775-3765 – Phone  
(972) 775-6508 – Fax  
rkirkmtpeak@lecwireless.com

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian Right-of-Way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County

**ATMOS ENERGY**  
917 E. Centre Park  
Desoto, TX 75115

Contact Person – Joe Smith  
(972) 228-6395 – Phone  
(972) 228-6373 – Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

**STATE OF TEXAS**

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "D"**

The undersigned owner(s) of property abutting upon that portion of the right-of-way in the \_\_\_\_\_, Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas as described in the Application to Vacate the City of Midlothian Right-of-Way, do hereby consent to such vacation and abandonment and hold the City of Midlothian harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such vacation and abandonment. (If applicant is sole owner of all adjacent property, only the applicant's signature is required on this Exhibit.)

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip



**CITY OF MIDLOTHIAN  
REQUEST FOR PRE-SUBMITTAL MEETING**

**DATE:** \_\_\_\_\_

**\*\*NO FEES ARE DUE AT THIS TIME\*\***

**PROJECT NAME:** \_\_\_\_\_

**REASON FOR REQUEST:** \_\_\_\_\_

**APPLICANT/OWNER AGREEMENT:**

I understand that the purpose of this pre-submittal meeting is to help me understand the City’s rules, regulations and procedures that must be followed and to avoid potential issues before a formal submittal is made. Any information provided during this pre-submittal meeting is for informational purposes only and is not intended to be a submittal for a permit, presentation of a plan for development to the City, or a request for provision of services on the part of the City or seeking a commitment/agreement by the City for services or improvements.

**Applicant:** \_\_\_\_\_

**Owner:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

***DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY***

**CITY DISCLAIMER:**

Any information provided during the pre-submittal meeting shall not bind or prohibit the City’s future submittal or enforcement of the applicable law, but rather, intended to offer guidance in preparing a development proposal for formal submittal. A pre-submittal meeting does not vest this project or any future projects of similar manner. Any information not specifically addressed during this review shall on no way relieve or lessen conformance of any City Ordinance or Regulations requirements.

\_\_\_\_\_  
**Name:**

\_\_\_\_\_  
**Position:**

\_\_\_\_\_  
**Name:**

\_\_\_\_\_  
**Position:**

**Planning Department**

100 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**CITY OF MIDLOTHIAN**  
**APPLICATION FOR PLAT VACATION**

**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**DEVELOPMENT INFORMATION:**

Recorded Plat Name: \_\_\_\_\_

Number of Lots: \_\_\_\_\_ Gross Acres: \_\_\_\_\_ Volume/Cabinet: \_\_\_\_\_

Page/Slide: \_\_\_\_\_

**ENGINEER/ SURVEYOR INFORMATION:**

Main Contact: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(Street No. & Name / PO Box #)

(City, State)

(Zip Code)

Daytime #: ( \_\_\_\_\_ ) \_\_\_\_\_

Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

**OWNER INFORMATION (ONLY):**

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(Street No. & Name / PO Box #)

(City, State)

(Zip Code)

Daytime #: ( \_\_\_\_\_ ) \_\_\_\_\_

Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

**I/We, \_\_\_\_\_, being the owner(s) of all land included in the above-mentioned plat filed for record at the Ellis County Clerk's Office, Texas, do hereby declare said plat to be vacated, and do request the Planning and Zoning Commission of the City of Midlothian to approve said vacation.**

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be a credible person and one of the signers of the foregoing application, and who, after being by me duly sworn, did upon his oath, state the information contained in such application is true and correct to the of his/her knowledge and belief.

\_\_\_\_\_  
Notary Public

**SUBMITTAL REQUIREMENTS:**

1. Completed application with all signatures required.
2. Application Fee of \$100.00
3. Ten (10) **Folded** sets of file stamped/recorded plat (*Copies are acceptable*)
4. **Original** Tax Certificates of each property owner/parcel of land located within the platted property. (*This can be obtained at the Ellis County Tax Office*)

**EXHIBIT "A"**

(METES AND BOUNDS DESCRIPTION OF THE PLAT OR PORTION TO BE VACATED)

## **EXHIBIT “B”**

The following is the approved plat with easements that is on record with the Ellis County Clerk's Office, to be vacated in the named application showing the surrounding are to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the plat or portion sought to be vacated is situated. Also, the names or record owners of the abutting lots are shown.

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that the plat sought to be vacated in the Application to Vacate Plat, do hereby consent to the vacation and abandonment of the described portion of such easements in the \_\_\_\_\_ (recorded plat name), City of Midlothian, Ellis County, Texas

**CITY OF MIDLOTHIAN**  
104 West Avenue E  
Midlothian, TX 76065

Contact Person – Mike Adams  
Director of Engineering  
(972) 775-7199 - Phone  
(972) 775-2456 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that the plat sought to be vacated in the Application to Vacate Plat, do hereby consent to the vacation and abandonment of the described portion of such easements in the \_\_\_\_\_ (recorded plat name), City of Midlothian, Ellis County, Texas

**CITY OF MIDLOTHIAN**  
1050 N. Hwy 67 Service Road  
Midlothian, TX 76065

Contact Person – Adam Mergener  
Director of Public Works  
(972) 775-1083 - Phone  
(972) 775-7943 - Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that the plat sought to be vacated in the Application to Vacate Plat, do hereby consent to the vacation and abandonment of the described portion of such easements in the \_\_\_\_\_ (recorded plat name), City of Midlothian, Ellis County, Texas

**HILCO ELECTRIC**  
115 E. Main  
PO Box 127  
Itasca, TX 76055-027

Contact Person – Randy Cox  
(800) 338-6425 - Phone  
(254) 687-2231 - Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**SARDIS LONE ELM**  
6681 W. Highland Road  
Midlothian, TX 76065

Contact Person – Paul Tischler  
(972) 775-8566 - Phone  
(972) 775-3114 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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\_\_\_\_\_  
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**SBC**  
320 Westway Place, Suite 530  
Arlington, TX 76018

Contact Person – Bonnie Tholen  
(817) 493-5459 – Phone  
(817) 493-5392 – Phone  
(817) 273-7588 – Pager  
(817) 493-5444 – Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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\_\_\_\_\_  
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**CHARTER COMMUNICATIONS**  
7400 Whitehall Street  
Richland Hills, TX 76118

Contact Person – Hector Elizondo  
(817) 740-6896 - Phone  
(817) 595-7685 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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\_\_\_\_\_  
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**TXU ELECTRIC DELIVERY**  
124 East Industrial  
PO Box 56  
Cleburne, TX 76033

Contact Person – Tim Lowe  
(972) 558-6055 - Phone  
(972) 558-6030 – Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

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**MOUTAIN PEAK WATER SUPPLY**  
5671 Waterworks Road  
Midlothian, TX 76065

Contact Person - Randy Kirk  
(972) 775-3765 - Phone  
(972) 775-6508 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

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**ATMOS ENERGY**  
917 E. Centre Park  
Desoto, TX 75115

Contact Person – Joe Smith  
(972) 228-6395 - Phone  
(972) 228-6373 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature



**SUBMITTAL  
REQUIREMENTS**

1. Completed application with **all** signatures required and application fee.
2. One (1) full size blackline.
3. Digital PDF, DWG & DWF of **all drawing documents** on a CD only. (*Each drawing must be on it's own taper space layout*)

**FEE SCHEDULE**

	<b><u>APPLICATION FEE</u></b>
Preliminary Plat	\$300.00 + \$10.00 per lot
Final Plat	\$400.00 + \$10.00 per lot
Replat	\$300.00 + \$10.00 per lot
Amended Plat	\$250.00 + \$10.00 per lot
Minor Plat	\$200.00

**PLAT CHECKLIST**

***\*\*The following applies to all plats unless stated\*\****

- Name & address of the subdivider, record owner, land planner, engineer & surveyor.
- Name of development, number of lots, written & graphic scale, north arrow, location map and indicate the location of the development in the City of Midlothian, Ellis County, Texas.
- Accurate boundary & property description (metes & bounds w/ P.O.B) with tract boundary lines indicated by heavy lines
- Approved name and right-of-way width of each existing or proposed street, within 200 ft. of development.
- Locate and identify all easements, rights-of-way, building lines & designated open space.
- Identify each lot or site & block by number or letter with typical lot size.
- Label all parcels with legal description & established lot patterns of contiguous properties within 200 feet.
- Certificate of dedication signed by the property owner(s).
- Space for signatures attesting approval of the plat by Planning and Zoning Commission Chairman and Planning Assistant. (***Minor and Amended Plats require Planning Director and Planning Assistant signature spaces***)
- WET SEAL** & signature of the Surveyor responsible for surveying the development & the preparation of the plat.
- Provide floodplain statement with F.E.M.A Firm # and map and shade in floodplain. Provide finished floor elevations for lots located within or adjacent to the floodplain, if applicable.
- Provide a preliminary drainage/utility plan. (***Applies to Preliminary Plats only.***)
- Show all approximate fire hydrant locations with a plat note stating so.
- Location of City limit lines if it touches any portion of the development, if applicable.
- Conceptual site plan and landscaping plan is required for **all non-single family uses**.
- A Traffic Impact Analysis (TIA) may be required on a case by case basis.
- Compliance to all regulations of the Midlothian Subdivision Ordinance.
- Conceptual site plan, landscaping plan & elevations. (***Applies to all non-single family uses***)

***\*\*\*SEE ELLIS COUNTY CHECKLIST IF PROPERTY IS LOCATED IN THE ETJ\*\*\****

***\*\*\*ADDITIONAL REQUIREMENTS MAY BE NEEDED UPON REVIEW\*\*\****

STATE OF TEXAS           §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, known to me to be the person whose name is subscribed above, owner of the area described in Exhibit "A", and who stated to me on oath as follows:

"My name is \_\_\_\_\_. I am the \_\_\_\_\_ owner of the property described in Exhibit "A" on this Petition for Disannexation. I, \_\_\_\_\_, as owner of the property described in Exhibit "A" desire that the property be disannexed out of the City of Midlothian. I am over the age of twenty-one (21) years and have never been convicted of a felony. I am competent to make this affidavit. I have personal knowledge of the facts, and the facts and statements contained in this Affidavit and in the Petition are true and correct.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by said Affiant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public, in and for the State of Texas

This Petition was filed with the City Council of the City of Midlothian, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. I hereby certify that the Petition was filed with the City Council of the City of Midlothian, and that under the Texas Local Government Code, the City Council may proceed to hear the Petition, and arguments for and against disannexation, and shall grant or refuse said Petition for disannexation of the area considered appropriate by the City Council and as provided by law.

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

\_\_\_\_\_  
City Secretary

**PETITION REQUESTING DISANNEXTION**

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF MIDLOTHIAN, TEXAS

The undersigned is the owner of the area described in Exhibit "A", attached hereto and made a part for all purposes. The area described in Exhibit "A" is within the present boundaries of the City of Midlothian, Texas. I hereby petition the City Council of the City of Midlothian to dis-annex the area described in Exhibit "A", and remove it as part of the City of Midlothian. We further certify that this petition is signed and duly acknowledged by each and every person having an interest in said land.

BY: \_\_\_\_\_  
Owners Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone No:

\_\_\_\_\_  
Fax No:

**EXHIBIT "A"**

(This should be the metes and bounds legal description for the property.)

STATE OF TEXAS           §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, known to me to be the person whose name is subscribed above, owner of the area described in Exhibit "A", and who stated to me on oath as follows:

"My name is \_\_\_\_\_. I am the \_\_\_\_\_ owner of the property described in Exhibit "A" on this Petition for Annexation. I, \_\_\_\_\_, as owner of the property described in Exhibit "A" desire that the property be annexed into the City of Midlothian. I am over the age of twenty-one (21) years and have never been convicted of a felony. I am competent to make this affidavit. I have personal knowledge of the facts, and the facts and statements contained in this Affidavit and in the Petition are true and correct.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by said Affiant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public, in and for the State of Texas

This Petition was filed with the City Council of the City of Midlothian, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. I hereby certify that the Petition was filed with the City Council of the City of Midlothian, and that under Section 43.028 of the Texas Local Government Code, the City Council after the fifth (5<sup>th</sup>) day but on or before the thirtieth (30<sup>th</sup>) day after the day this Petition is filed, may proceed to hear the Petition, and arguments for and against annexation, and shall grant or refuse said Petition for annexation of the area considered appropriate by the City Council and as provided by law.

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

\_\_\_\_\_  
City Secretary

**PETITION REQUESTING ANNEXATION**

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF MIDLOTHIAN, TEXAS

The undersigned is the owner of the area described in Exhibit "A", attached hereto and made a part for all purposes. The area described in Exhibit "A" is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas, is not more than one-half (1/2) mile in width, and is an area on which less than three qualified voters reside. I hereby petition the City Council of the City of Midlothian to annex the area described in Exhibit "A", and include it as part of the City of Midlothian. We further certify that this petition is signed and duly acknowledged by each and every person having an interest in said land.

BY: \_\_\_\_\_  
Owners Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone No:

\_\_\_\_\_  
Fax No:

**EXHIBIT "A"**

(This should be the metes and bounds legal description for the property.)

**Planning Department**

100 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**CITY OF MIDLOTHIAN**

**APPLICATION FOR MISCELLANEOUS APPROVAL**

**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**APPLICATION TYPE: \*\*EACH APPLICATION TYPE IS A SEPARATE FEE\*\***

- Subdivision Ordinance Variance** (Section: \_\_\_\_\_)  **Septic Waiver**
- Masonry Exemption**  **Right-Of-Way/ Alley Encroachment Permit**
- Other** (State request) : \_\_\_\_\_

**DEVELOPMENT INFORMATION:**

Property Address: \_\_\_\_\_  
(Street Address if assigned)

Name of Subdivision: \_\_\_\_\_ Lot #: \_\_\_\_\_ Block #: \_\_\_\_\_

Subdivision: In the \_\_\_\_\_ Survey, Abstract \_\_\_\_\_ Gross Acres: \_\_\_\_\_  
In the \_\_\_\_\_ Survey, Abstract \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Purpose of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT/ OWNER INFORMATION:**

Main Contact: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)

Daytime #: (\_\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_\_) \_\_\_\_\_

Main Contact Status: (check one)  Owner  Representative/Agent E-Mail: \_\_\_\_\_

***If the property owner is represented by an authorized agent, a notarized letter of authorization must be submitted.***

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name) (City, State) (Zip Code)

Daytime #: (\_\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_\_) \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agent/ Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

CASE NAME: \_\_\_\_\_

CASE NO: \_\_\_\_\_

PROPERTY LOCATED IN **ETJ / CITY LIMITS** FEE AMOUNT: \$ \_\_\_\_\_

**SUBMITTAL REQUIREMENTS:**

**Applies to Masonry Exemption, Septic Waiver and Subdivision Ordinance Variance requests:**

1. Complete application with all signatures.
2. Application fee of \$100.00 (one hundred dollars).
3. One (1) 8½" x 11" plat of the site/location.
4. A letter of explanation of the request.

**Right-Of-Way/Alley Encroachment Permit:**

1. Complete application with all signatures.
2. Application fee of \$100.00 (one hundred dollars).
3. A letter of explanation of the request.
4. An accurate dimensioned plat (8½" x 11") of the portion of right-of-way or alley to be encroached upon, showing abutting lots and blocks and/or noting adjacent property owners and streets.
5. A description of proposed encroachment specifying the use and/or structures to be located within the right-of-way area depicted.

**\*\*\*ADDITIONAL REQUIREMENTS MAY BE NEEDED UPON REVIEW\*\*\***



## EXCAVATION AND GRADING PERMIT APPLICATION

This Application must be complete before a Permit will be issued. No work shall be performed, or permit fee accepted until the permit is issued.

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Job Address: \_\_\_\_\_

Name of Business (if applicable): \_\_\_\_\_

Contractor: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Cubic yards cut and fill: \_\_\_\_\_

Valuation of Work: \$ \_\_\_\_\_

Description of Work: \_\_\_\_\_

### List Subcontractors Below

All subcontractors must register with the City Building Inspections Dept.

Contractors must validate the permit issued for this construction. No separate permits will be issued for the various trades.


I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Date: \_\_\_\_\_

Call 972-775-7134 if you have any questions.

Applicant's Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

## **Excavation and Grading Site Plan Submittal Requirements**

- The applicant shall submit a completed site plan application.
- The applicant shall submit 7 copies of the site plan with information described below.
- The location, dimensions and calculated floor area of all existing and planned structures on the subject property and locations of structures on adjoining property within 200 feet.
- Vicinity map showing location of property by reference to existing streets and highways.
- Intended use of property.
- Site plan boundary lines, indicated by heavy lines, and the approximate area expressed in acres.
- Identification and location of proposed uses within property.
- Topographical information based on 2-foot vertical contour intervals.
- Centerline of watercourses, creeks and ravines, existing drainage structures and other pertinent data shall be shown.
- A drainage study shall be required to provide the drainage area calculations, information and grading plan-showing points of run-off.
- Engineering design of storm water facilities showing drainage area calculations and final grading plan.
- Areas subject to flooding shall be shown, delineating the 100-year flood limits if applicable.



June 10, 2004

TO: All General Contractors

RE: Construction Waste and Toilet Facilities

This letter is to remind you of certain requirements the Building Inspections Department will enforce.

In accordance with Ordinance No. 346, all building wastes must be placed in a container. All construction sites must maintain a receptacle for properly containing discarded construction materials and waste, thereby preventing it from blowing onto other private property.

Trinity Waste Services has an exclusive franchise with the City of Midlothian to provide solid waste collection and disposal within the City. Please contact Trinity Waste Services at 311 N. 9th Street, 972-775-1010, if you elect to hire a dumpster provider.

In accordance with Sec. 311.1 of the 2003 International Plumbing Code, toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3.

Initial enforcement will be by the building inspector. If your construction site does not conform to either of the above requirements, the building inspector may leave a red tag advising you of the violation and will not return for further inspections until compliance has been determined.

If there are repeated violations of either of these requirements by a contractor, a citation will be issued for you to appear in Municipal Court.

*Any violation of the terms of this ordinance is declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable to a fine of not more than \$2,000.00. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.*

If you are one of the many contractors who always conformed to these requirements, I thank you on behalf of the City and especially the neighbors surrounding your construction site. If you have any questions regarding these ordinances, please do not hesitate to contact this office.

Sincerely,

A.L. Haak  
Building Official



October 5, 2004

Building Contractors

Re: Storm Water Pollution and Erosion Control

Dear Contractor:

City of Midlothian Ordinance 88-14, Section 5.17 states erosion control measures (curlex blanket, silt fence, etc. must be placed behind the back of curb throughout construction. Measures to control pollutants in storm water discharge during and after construction operations shall be maintained at all times.

**Due to the magnitude of silt entering the City storm water system, inspections for all locations that the builder has in progress, will be delayed until the erosion control is in place. This will be enforced as of November 1<sup>st</sup> 2004.**

The Texas Commission on Environmental Quality ("TCEQ") area rep has contacted this office and made clear that if the City of Midlothian doesn't persuade the contractors to meet the standards, he wants to handle the enforcement through the State and anyone out of compliance will be fined.

Please contact me for further information.

Sincerely,

A.L. Haak, Building Official



## **GUIDELINES FOR COMMERCIAL FILMING IN THE CITY OF MIDLOTHIAN**

### **I. PURPOSE**

The following guidelines are intended to protect the personal and property rights of our Midlothian, TX residents and businesses. The City Manager reserves the right to impose additional regulations in the interest of public safety if deemed necessary.

These guidelines cover requests for commercial use of City-owned property (streets, right-of-ways, parks, public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in the filming of movies, TV shows, commercials, and related activities.

### **II. CITY CONTROL/CITY MANAGER AUTHORITY**

The City Manager may authorize the use of any street, right-of-way, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified on the application as shown in EXHIBIT A be met as a prerequisite to that use.

The applicant agrees that The City of Midlothian, TX shall have full control over the use of public streets and buildings of the City while being used, as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming if determined to be detrimental to the public health, safety and welfare.

The applicant shall agree to allow the respective City departments (i.e., Police, Fire, Building) to inspect all structures and/or devices and equipment to be used in connection with the filming and taping if required by the City Manager.

### **III. PERMIT REQUIREMENTS**

Before filing an application for filming in Midlothian, TX, the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Midlothian, TX.

Any commercial producer who desires to undertake a commercial production in Midlothian, TX is required to complete and return the application for filming to the Office of the City Manager, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

**IV. FEES**

An application processing fee of \$25.00 should accompany each application for filming in Midlothian, TX. The City Manager may waive this fee upon proof of an organization’s non-profit status, or for any other reason deemed necessary.

**V. USE OF CITY EQUIPMENT AND PERSONNEL**

The applicant will agree to pay for the costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether specifically requested by the production or not). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The applicant will agree to pay in full, promptly upon receipt of an invoice, the charges incurred. The City Manager may, at his/her discretion, require an advance deposit for the use of the equipment.

The City Manager in consultation with the Chief of Police and/or Fire Chief shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public safety, health and welfare, which cost shall be borne by the Applicant. Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half their hourly rate based on their rank.

**VI. USE OF CITY PROPERTY**

The City Manager may authorize the use of any street, right-of-way, or public building, use of Midlothian, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in the production of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified on the application be met as a prerequisite to that use. A security or damage deposit may be required based on production activity.

Depending upon the extent of the use of City property, the Applicant agrees to reimburse the City for inconveniences when using public property. Following is the rate schedule:

Activity	Cost (per Calendar Day)
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500
Partial non-disruptive use of a public building, park, right-of-way, or public area	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$50 per block
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$25 per block
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot

## **VI. USE OF CITY PROPERTY *continued***

The applicant agrees that The City of Midlothian, Texas, shall have full control over the use of its name, trademark, logo, public streets and buildings of the City while any are being used, as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity if it is determined to be hazardous to the public health, safety and welfare.

## **VII. SPECIAL EQUIPMENT, VEHICLES AND FOOD SERVICE**

The applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City so as to maintain traffic safety. On-street parking or use of public parking lots is subject to City approval. The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager. Any catering service or food preparation is subject to City inspection and approval.

## **VIII. HOURS OF FILMING**

Unless permission has been obtained from the City Manager in advance and affected property owners, tenants and residents have been notified, filming will be limited to the following hours: Monday through Friday, 7:00 a.m. to 9:00 p.m., and Saturday, Sunday and holidays, 8:00 a.m. to 8:00 p.m.

## **IX. NOTIFICATION OF NEIGHBORS**

The applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood (as defined by boundaries set by the City Manager). The applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting each owner, tenant or resident's comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, the City Manager may grant or deny the filming application.

## **X. CERTIFICATE OF INSURANCE**

The producer shall attach a certificate of insurance, naming The City of Midlothian, TX as an additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

## **XI. LIABILITY**

The applicant agrees to pay in full, promptly upon receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

**XII. HOLD HARMLESS AGREEMENT**

The producer shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

*I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of Midlothian, TX, and that I and my firm will indemnify and hold harmless The City of Midlothian, TX for and from any loss, damage, expense, claims and costs of every nature and kind arising out of or in connection with the filming/taping pursuant to this permit.*

*I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I hold the authority to sign this and other contracts and agreements with the City of Midlothian on behalf of the firm.*

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR COMMERCIAL FILMING IN  
THE CITY OF MIDLOTHIAN**

**Title of Project:** \_\_\_\_\_

**Type of Production:**

Commercial \_\_\_\_\_

Feature Film \_\_\_\_\_

Television \_\_\_\_\_

Training Film \_\_\_\_\_

Public Service Announcement \_\_\_\_\_

Other \_\_\_\_\_

**Location of filming:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date(s) and Time(s) of filming:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contacts:**

**Production Office:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Producer:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Location Manager:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Texas Film Commission Representative:** \_\_\_\_\_

**PRODUCTION** (Attach additional sheets if necessary.)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.):

\_\_\_\_\_  
\_\_\_\_\_

2. Number of persons involved with the production, including cast and crew:

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3. Anticipated need of City personnel, equipment or property:

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4. Describe any areas in which public access will be restricted during production:

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5. Describe alterations to property:

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6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

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7. Location where crew will be fed, if not at production location:

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---

8. Location where extras will be held, if not at production location:

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9. Map of anticipated street closure(s) or other public area use.

**Application completed by:**

Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

The "Rules for Filming in Midlothian, Texas apply to all filming activities, and the Office of the City Manager may require the applicant to acknowledge receipt of the Rules prior to approving this application.

**Planning Department**

100 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**APPLICATION TO VACATE  
CITY OF MIDLOTHIAN ALLEY**

**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDLOTHIAN:

The undersigned hereby makes application for the vacation and abandonment of the specified portion of the alley, particularly described in Exhibit "A" attached hereto.

1. The undersigned will hold the City of Midlothian harmless, and indemnify against all suits, costs, expenses, and damages that may arise or grow out of such vacation and abandonment.
2. Attached, marked Exhibit "B", is a plat or sketch of the said portion of the alley sought to be vacated and the surrounding area to the nearest streets in all directions, showing the abutting lots and blocks, and the addition in which the above described portion of such alley and utility easement is situated, together with the record owners of such lots.
3. Attached, marked Exhibit "C" is the consent of utility company to such vacations.
4. Attached, marked Exhibit "D" is the consent to such vacation of all the abutting property owner(s), except the following:

(If none, so state)

A) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Why consent not obtained: \_\_\_\_\_

B) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Why consent not obtained: \_\_\_\_\_

5. Such alley should be vacated because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Such alley has been and is being used as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Company: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be credible person and one of the signers of the foregoing application, and who, after being by me duly sworn, did upon his oath, state the information contained in such application is true and correct to the best of his/her knowledge and belief.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**

(METES AND BOUNDS DESCRIPTION OF THE ALLEY TO BE ABANDONED)

## **EXHIBIT “B”**

The following is a plat or sketch of the utility easement to be vacated in the above named application showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the utility easement sought to be vacated is situated, and the addition or additions in which the portion of the utility easement sought to be vacated is situated. Also, the names or record owners of the abutting lots are shown.

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian right-of-way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County

**CITY OF MIDLOTHIAN**  
104 West Avenue E  
Midlothian, TX 76065

Contact Person – Mike Adams  
Director of Engineering  
(972) 775-7199 - Phone  
(972) 775-7171 - Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

The undersigned public utility company, using or entitled too use, under the terms and provisions of our respective franchises the City of Midlothian, that portion of the right-of way sought to be vacated in the Application to Vacate City of Midlothian right-of-way, do hereby consent to the vacation and abandonment of the described portion of such right-of-way in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County

**CITY OF MIDLOTHIAN**  
1050 N. Hwy 67 Service Road  
Midlothian, TX 76065

Contact Person – Adam Mergener  
Director of Public Works  
(972) 775-1083 - Phone  
(972) 775-7943 - Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

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**HILCO ELECTRIC**  
115 E. Main  
PO Box 127  
Itasca, TX 76055-027

Contact Person – Randy Cox  
(800) 338-6425 - Phone  
(254) 687-2231 - Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**PERSONALIZED NOTARY SEAL:**

\_\_\_\_\_  
Notary Public's Signature

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**SARDIS LONE ELM**  
6681 W. Highland Road  
Midlothian, TX 76065

Contact Person – Paul Tischler  
(972) 775-8566 - Phone  
(972) 775-3114 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

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**AT&T – Municipal Relations**  
2600 N. Central Expy, Rm 543  
Richardson, TX 75080

Contact Person – Angela Thornton / Bob Garza  
(214) 576-5548 - Phone  
(214) 576-5544 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

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**CHARTER COMMUNICATIONS**

7400 Whitehall Street  
Richland Hills, TX 76118

Contact Person – Hector Elizondo  
(817) 740-6896 - Phone  
(817) 595-7685 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

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**TXU ELECTRIC DELIVERY**  
124 East Industrial  
PO Box 56  
Cleburne, TX 76033

Contact Person – Tim Lowe  
(972) 558-6055 - Phone  
(972) 558-6030 – Fax

**CONSENT:**

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

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**MOUTAIN PEAK WATER SUPPLY**  
5671 Waterworks Road  
Midlothian, TX 76065

Contact Person - Randy Kirk  
(972) 775-3765 - Phone  
(972) 775-6508 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "C"**

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**ATMOS ENERGY**  
917 E. Centre Park  
Desoto, TX 75115

Contact Person – Joe Smith  
(972) 228-6395 - Phone  
(972)228-6373 - Fax

CONSENT:

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared \_\_\_\_\_ known to me, or proves to me, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PERSONALIZED NOTARY SEAL:

\_\_\_\_\_  
Notary Public's Signature

**EXHIBIT "D"**

The undersigned owner(s) of property abutting upon that portion of the alley in the \_\_\_\_\_, Survey, Abstract No. \_\_\_\_\_, City of Midlothian, Ellis County, Texas as described in the Application to Vacate the City of Midlothian alley, do hereby consent to such vacation and abandonment and hold the City of Midlothian harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such vacation and abandonment. (If applicant is sole owner of all adjacent property, only the applicant's signature is required on this Exhibit.)

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

**City of Midlothian**  
City Secretary  
104 W. Avenue E  
Midlothian, TX 76065  
Phone: (972) 775-7101  
Fax: (972) 775-7114



Permit Fee: \$30.00

**CITY OF MIDLOTHIAN  
ALCOHOLIC BEVERAGE PERMIT**

**REASON FOR PERMIT:**

- New Business     Change in License Type     Change in Ownership     Renewal  
 Other: \_\_\_\_\_

**TYPE OF PERMIT:**

- Beer On-Premise                       Mixed Beverage                       Beer Off-Premise  
 Wine & Beer Off-Premise             Food & Beverage Certificate  
 Other: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Name of Establishment: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone #: (         ) \_\_\_\_\_

**Renewals Only:**

TABC Permit/License Number(s) \_\_\_\_\_

with expiration date: \_\_\_\_\_

\_\_\_\_\_

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**OFFICE USE ONLY**

**ZONING CHECK:**

ZONING: \_\_\_\_\_ ALLOWED: \_\_\_\_\_ NOT ALLOWED: \_\_\_\_\_

EXPLANATION: \_\_\_\_\_

\_\_\_\_\_

**FIELD INSPECTION:**

INSPECTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FINDINGS: .

Received By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_

CSO Initials

**Planning Department**

101 W. Avenue F  
Midlothian, TX 76065  
Phone: (972) 775-7123  
Fax: (972) 775-7171



**CITY OF MIDLOTHIAN  
APPLICATION FOR ZONING**

**MAILING ADDRESS**

104 W. Avenue E  
Midlothian, TX 76065

**APPLICATION TYPE: \*\*EACH APPLICATION TYPE IS A SEPARATE FEE\*\***

- General Rezone Request:** From: \_\_\_\_\_ To: \_\_\_\_\_
- Planned Development:**
  - New
  - Amendment

**DEVELOPMENT INFORMATION**

Current Legal Description: \_\_\_\_\_  
 \_\_\_\_\_  
 Proposed Development Name: \_\_\_\_\_  
 Number of Lots: \_\_\_\_\_

**CONTACT INFORMATION**  
\*\*Attach additional contacts to the application\*\*

Applicant Name: \_\_\_\_\_ **Applicant Status:** (check one)  
 **Owner**    **Representative**

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)

Phone #1: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

Phone #2: ( \_\_\_\_\_ ) \_\_\_\_\_ E-Mail: \_\_\_\_\_

***If the property owner is represented by another, a notarized letter of authorization must be submitted.***

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)

Phone #: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

E-Mail: \_\_\_\_\_

**\*Representative's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\*Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**ENGINEER INFORMATION**

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street No. & Name / PO Box #) (City, State) (Zip Code)

Daytime #: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax #: ( \_\_\_\_\_ ) \_\_\_\_\_

E-Mail: \_\_\_\_\_

**OFFICE USE**

CASE NO: \_\_\_\_\_

PROPERTY LOCATED IN THE **ETJ / CITY LIMITS**

FEE AMOUNT: \$ \_\_\_\_\_

CONTINUED ON BACK

**SUBMITTAL  
REQUIREMENTS**

1. Completed application with **all signatures required** and required application fee.
2. One (1) large 18"x24" blackline of survey/plat.
3. Metes and Bounds description of subject property.
4. Provide floodplain statement with F.E.M.A Firm # and map and shade in floodplain.
5. A Traffic Impact Analysis (TIA) will be required on a case by case basis. *(Applies to PDs only)*
6. Preliminary drainage study. *(Applies to PDs only)*
7. PD Narrative describing in detail how amenity requirements will be satisfied. *(Applies to PDs only)*
8. Development schedule shows estimated dates of completion. *(Applies to PDs only)*
9. Percentage (%) of impervious surface on residential areas and for commercial areas the Floor Area Ratio (FAR). *(Applies to PDs only)*
10. Descriptive narrative outlining goals, objectives and details of project. *(Applies to PDs only)*
11. Digital PDF, DWG & DWF of **all drawing documents** on a CD only. *(Each drawing must be on its own layout)*

**\*\*\*ADDITIONAL REQUIREMENTS MAY BE NEEDED UPON REVIEW\*\*\***

**FEE SCHEDULE**

	<b><u>APPLICATION FEE</u></b>
General Rezone Request	\$500.00 + \$10.00 per acre
Planned Development (PD or UVPD)	\$500.00 + \$30.00 per acre

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**APPENDIX B**

**CERTIFICATES**

**AND**

**APPROVALS**  
**(FOR FINAL PLATS)**

SURVEYOR'S CERTIFICATE

This is to certify that I, \_\_\_\_\_, a Registered Public Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

\_\_\_\_\_  
(Signature) Surveyor

\_\_\_\_\_  
(Print name) Surveyor

Texas Registration No. \_\_\_\_\_

(Seal)

SURVEYOR'S CERTIFICATE

This is to certify that I, \_\_\_\_\_, a Registered Public Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

\_\_\_\_\_  
(Signature) Surveyor

\_\_\_\_\_  
(Print name) Surveyor

Texas Registration No. \_\_\_\_\_

(Seal)

PLANNING AND ZONING COMMISSION APPROVAL

Approved: \_\_\_\_\_, 20\_\_\_\_.

City of Midlothian  
ELLIS COUNTY, TEXAS

By: \_\_\_\_\_, Planning Director

Attest: \_\_\_\_\_, Planning Assistant

Approved: \_\_\_\_\_, 20\_\_\_\_.

ENGINEERING DEPARTMENT APPROVAL

By: \_\_\_\_\_, City Engineer

Approved: \_\_\_\_\_, 20\_\_\_\_.



OWNER'S CERTIFICATE

STATE OF TEXAS            ⌘  
COUNTY OF ELLIS        ⌘

WHEREAS, \_\_\_\_\_ is the sole owner of all of the following described tract of land herein proposed as the \_\_\_\_\_ being more particularly described as follows:

Beginning:

Thence:

Thence:

Containing:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

That, \_\_\_\_\_ acting by and through \_\_\_\_\_ duly authorized so to act, does hereby adopt this plat designating the herein above described property as the \_\_\_\_\_, an addition to the City of Midlothian, Ellis County, Texas, and does hereby dedicate to the public use forever, the streets and easements shown hereon. The easements are hereby reserved for the purposes as indicated. No permanent structures (buildings, fences, trees, shrubs, or paving) shall be constructed or placed upon, over, or across said easements as shown, except with the written permission of the City of Midlothian, Texas. Said easements being hereby reserved for the mutual use and accommodation of all public utilities. All and any public utility shall have the full right and privilege to remove and keep removed all or any parts of any buildings, fences, trees, shrubs, paving or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective utility system located within the easements, and all public utilities shall at all times have the full right of ingress and egress to and from and upon said easements for the purposes of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone. The reconstruction, relocation, or other replacement of any buildings, fences, trees, shrubs, paving or other improvements or growths within such easements shall incur no responsibility or liability to the City of Midlothian, Texas. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.) there will be no permanent structures (buildings, fences, trees, shrubs, paving or

other improvements or growths) or obstructions built, placed or planted within the 100 year flood plain, designated as Floodway Easement. The maintenance of all easements shown hereon shall be the responsibility of the property owners.

This plat approved subject to all platting ordinances, rules, regulations of the City of Midlothian, Texas.

WITNESS my hand at \_\_\_\_\_, Texas, this  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature & Title

(NOTARY ACKNOWLEDGEMENT REQUIRED)

LIEN-HOLDER CONCURRENCE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

That, \_\_\_\_\_ being  
the Lien Holder of the above described property, acting by and through  
\_\_\_\_\_ ,

duly authorized so to act, do hereby concur with the provisions of the Owner's  
Certificate.

WITNESS my hand at \_\_\_\_\_, this the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name & Title

(NOTARY ACKNOWLEDGEMENT REQUIRED)

MAINTENANCE BOND

STATE OF TEXAS           §  
COUNTY OF ELLIS       §

KNOW ALL MEN BY THESE PRESENT:

That \_\_\_\_\_, hereinafter called Contractor, as principal, and \_\_\_\_\_ as Surety, do hereby acknowledge themselves to be held and bound to pay unto the City of Midlothian, Texas, the penal sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), which is forty percent (40%) of said contract amount in lawful money of the United states, for the payment of which sum well and truly to be made unto said City of Midlothian, Texas, and its successors, said Contractor and Surety do hereby bind themselves, their heirs, executors, administrators and assigns and successors, jointly and severally and firmly by these present:

This obligation is conditioned, however, that whereas, said contractor entered into a written contract on the \_\_\_\_\_ day of \_\_\_\_\_ 20,\_\_\_\_\_ with \_\_\_\_\_ for the construction in the City of Midlothian, Texas as provided in said Contract and specifications which are expressly made a part hereof, as though written herein in full and,

Whereas, in said Contract, the Contractor binds itself to use first class materials and workmanship and of such kind and quality that for a period of two (2) years from the completion and final acceptance of the improvements by the City, the said improvements shall require no repairs, the necessity for which shall be occasioned by defects in workmanship or materials during the period of two (2) years following the date of the final acceptance of the work by the City, the Contractor binds itself to repair or reconstruct the said improvements in whole or part at any time within said period of process employed in the construction of such improvements and that it will upon receiving notice, repair or reconstruct said improvements within such period of time from the date of such notice as the City Engineer of said City shall determine to be necessary for the preservation of public health, safety or welfare. If said Contractor does not repair or reconstruct the improvements within the time period designated then the City shall be entitled to have said repairs made and charge said Contractor and/or Surety the cost of same under the terms of this maintenance bond.

Now, therefore, if said Contractor shall keep and perform its said work and keep the same in repair for the said maintenance period of two years, as provided, then these present shall be null and void, and have no further effect, but if default shall be made by said work then these present shall have full force and effect, and the said City of Midlothian, Texas shall have and recover from the said Contractor and its Surety, damages in the premises as provided in plans and specifications and contract.

Provided, however, that the Contractor hereby holds harmless and indemnifies said City from any claim or liability for personal injury or property damage caused by and occurring during the performance of said maintenance and repair operation. However, there shall be no liability on the Surety for and damages resulting from fire, acts of God, accident, or careless or malicious handling.

IN WITNESS WHEREOF, this instrument is executed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CONTRACTOR: \_\_\_\_\_

SURETY: \_\_\_\_\_

BY: \_\_\_\_\_  
Attorney-In-Fact

OWNER'S CERTIFICATE

STATE OF TEXAS            ⌘  
COUNTY OF ELLIS        ⌘

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Thence:

Thence:

Containing:

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This plat approved subject to all platting ordinances, rules, regulations of the City of Midlothian, Texas.

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\_\_\_\_\_  
Signature & Title

(NOTARY ACKNOWLEDGEMENT REQUIRED)

LIEN-HOLDER CONCURRENCE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

That, \_\_\_\_\_ being  
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\_\_\_\_\_ ,

duly authorized so to act, do hereby concur with the provisions of the Owner's  
Certificate.

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day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name & Title

(NOTARY ACKNOWLEDGEMENT REQUIRED)

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COUNTY OF ELLIS       §

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Now, therefore, if said Contractor shall keep and perform its said work and keep the same in repair for the said maintenance period of two years, as provided, then these present shall be null and void, and have no further effect, but if default shall be made by said work then these present shall have full force and effect, and the said City of Midlothian, Texas shall have and recover from the said Contractor and its Surety, damages in the premises as provided in plans and specifications and contract.

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CONTRACTOR: \_\_\_\_\_

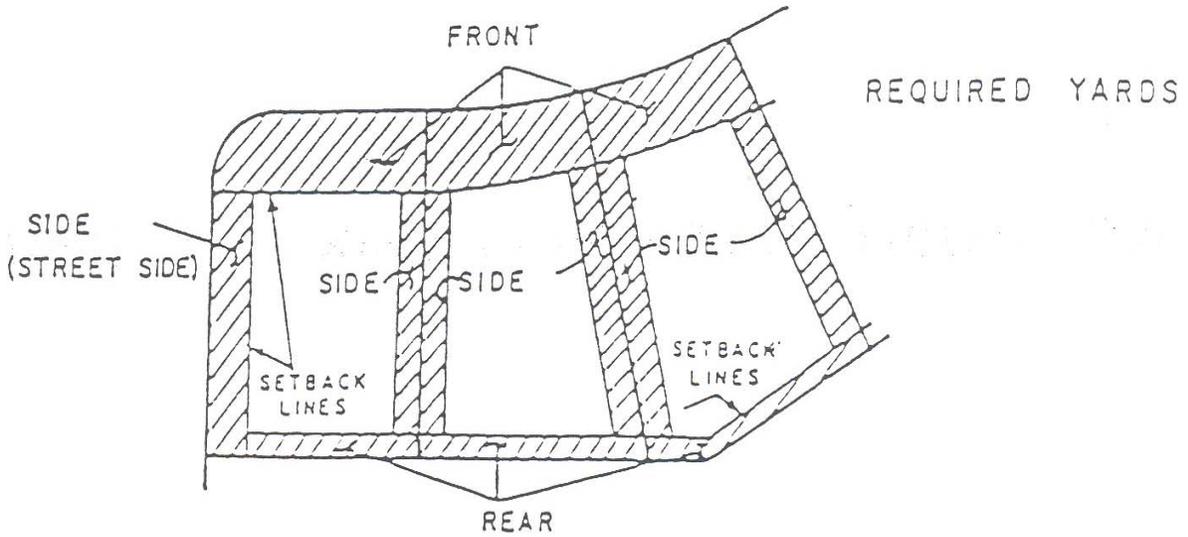
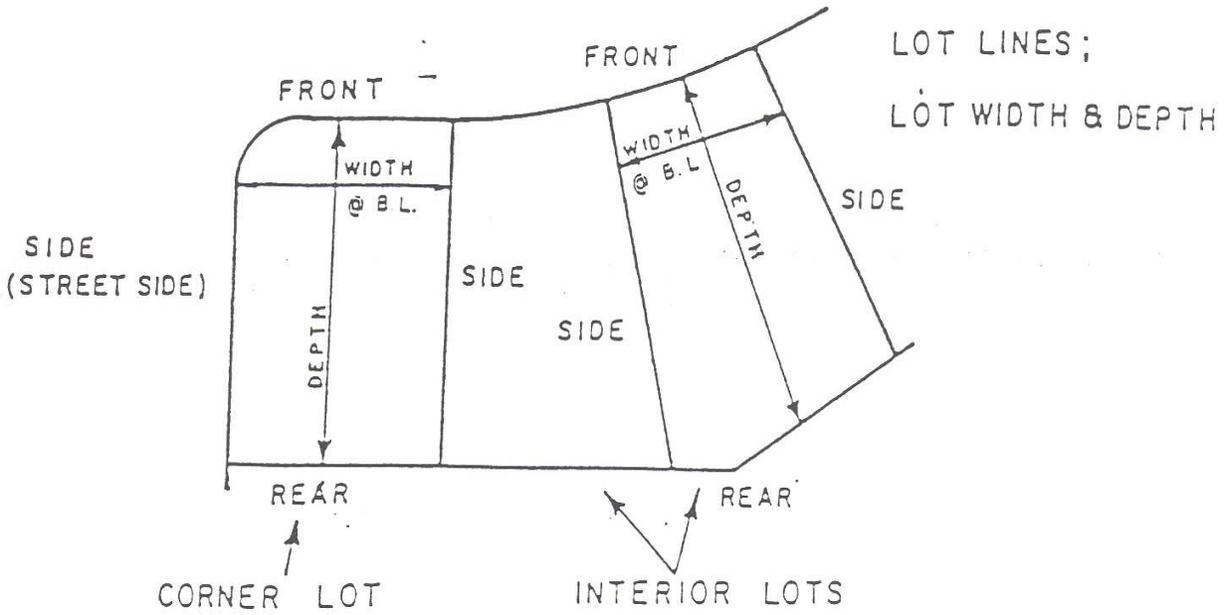
SURETY: \_\_\_\_\_

BY: \_\_\_\_\_  
Attorney-In-Fact

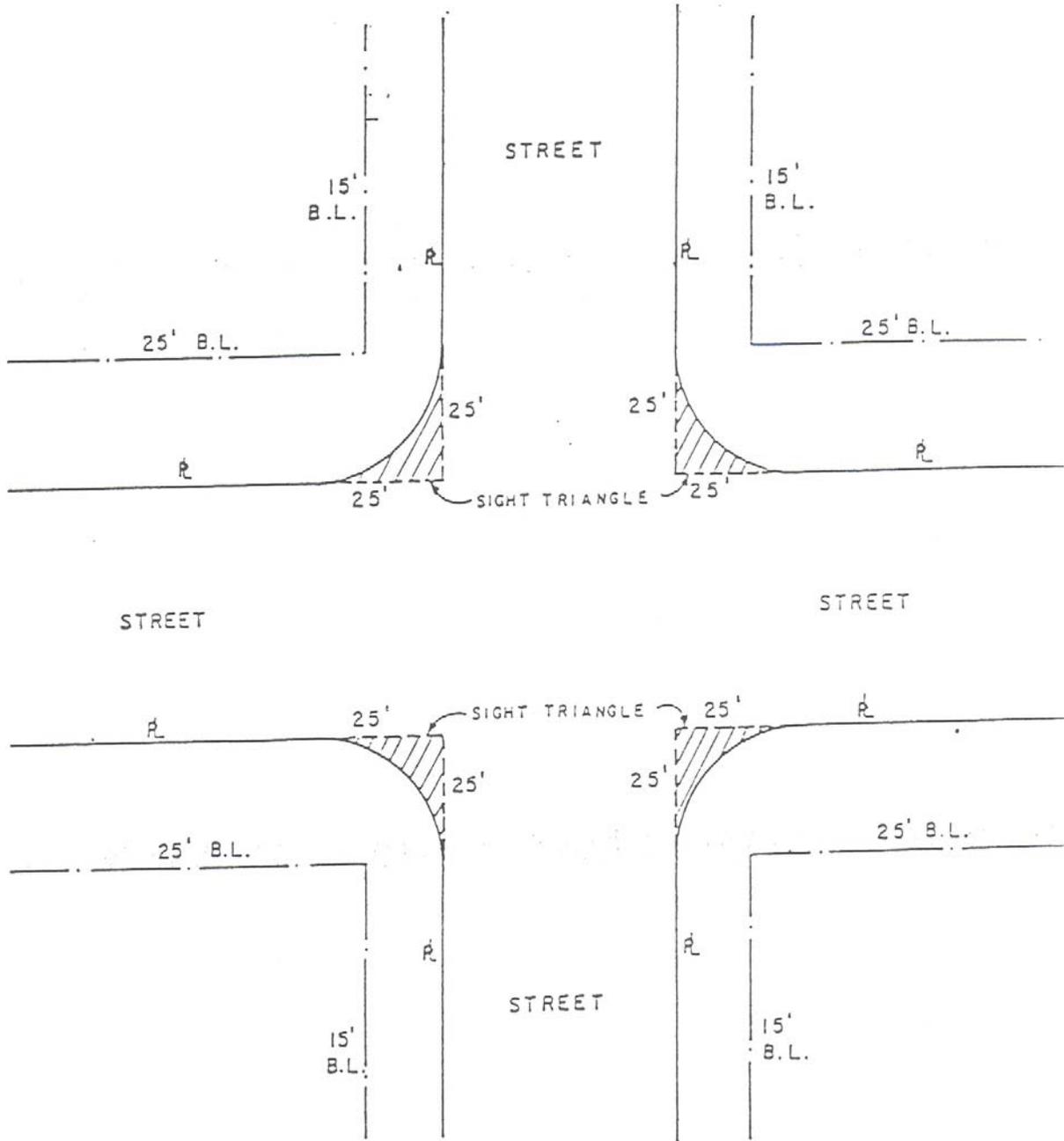
# **APPENDIX C**

## **ILLUSTRATION (FOR FINAL PLATS)**

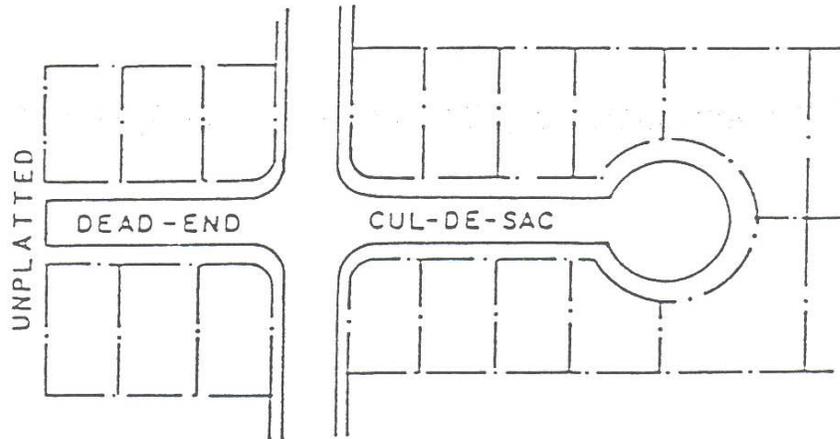
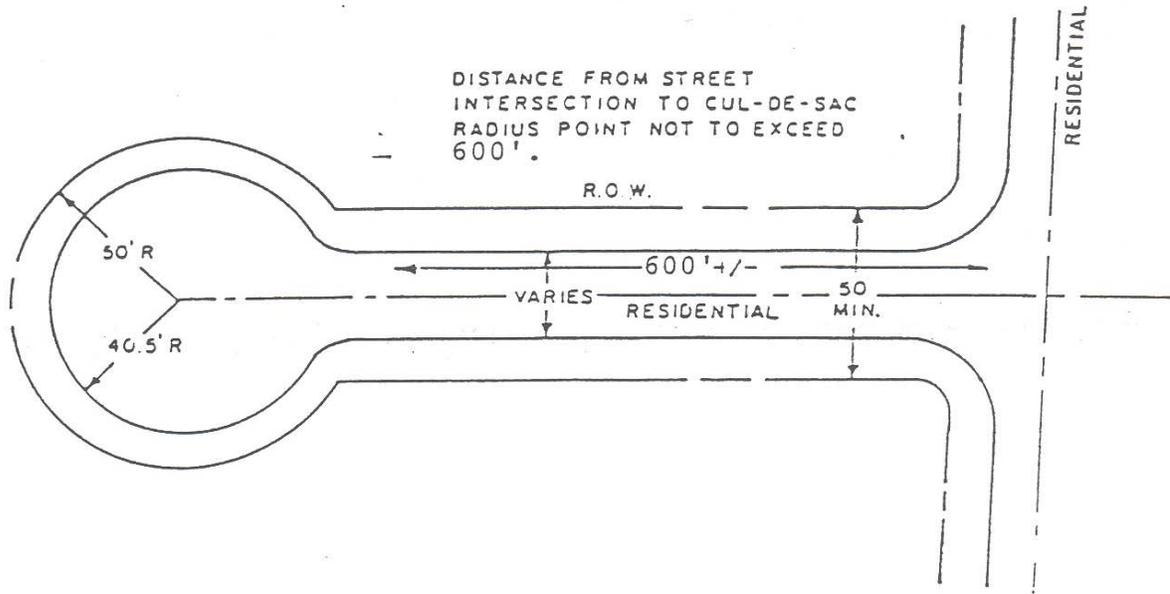
# TYPICAL LOTS



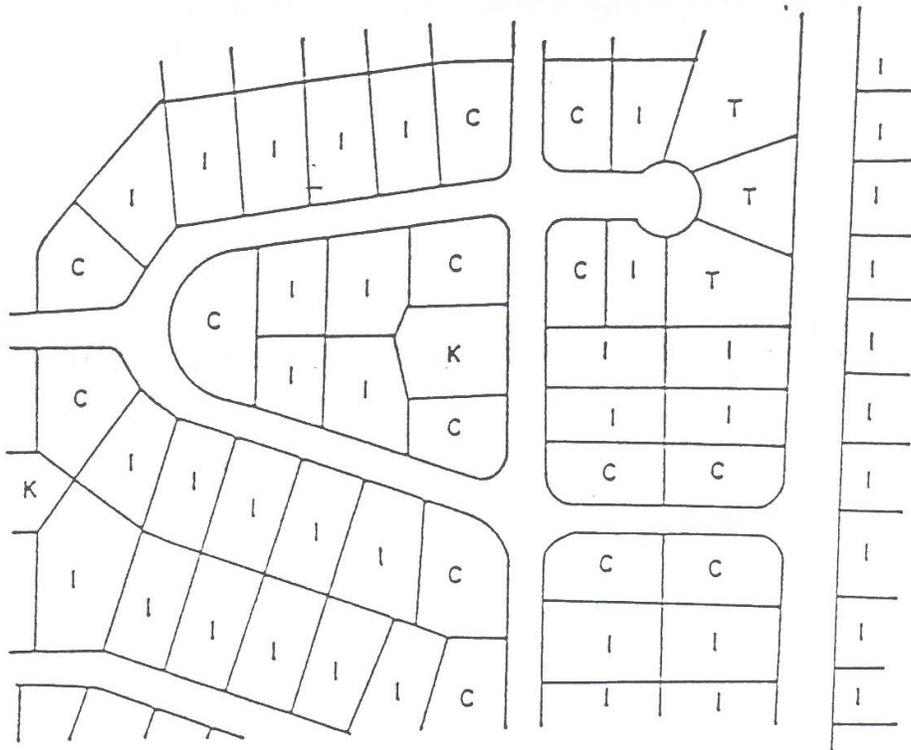
# SIGHT TRIANGLE



# RESIDENTIAL STREETS



## LOT TYPES



### SYMBOL IDENTIFICATION

- C**    Corner Lot:                      A lot located at the intersection of two or more streets.
- I**    Interior Lot:                         A lot other than a corner lot.
- K**    Key Lot:                                An interior lot, other than a through lot, so situated between corner lots that all three lots abut the same street.
- T**    Through Lot:                         An interior lot with frontage on more than one street; a through lot frontage on two generally parallel streets may be referred to as a "double frontage" lot.